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against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States Parties

Addendum

CANADA

V.88-21502

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INTRODUCTION

1. Canada ratified the Convention on the Elimination of All Forms of Discrimination Against Women on December 10, 1981, and submitted its initial report in June 1983. The present is the second report submitted by Canada under the Convention. It focuses on information not included in the first report. The main period covered is January 1983 to December 1986. Part I contains basic general information, a statistical overview and a discussion of progress and difficulties. Part II contains a review of measures adopted by the federal, provincial and territorial governments in sections prepared by the respective governments. The report follows, in as much as possible, the guidelines issued by the Committee on the Elimination of Discrimination Against Women.

PART I

1. Basic general information

(a) General legal framework

(i) Division of powers

2. Canada is a federal state comprising 10 provinces and two territories. Although the federal government has the exclusive authority to enter into international treaty obligations, many of these obligations can only be implemented by legislation enacted by provincial legislatures. This is because the Constitution Act, 1867 divides legislative authority between the Parliament of Canada and the legislatures of the provinces. Therefore Canada's report on its implementation of the present Convention outlines measures taken by the federal government, the 10 provinces and the two territories.

(ii) Canadian Charter of Rights and Freedoms

3. Canada's initial report outlined the provisions of the Canadian Charter of Rights and Freedoms, which is part of the Constitution of Canada, including section 15 on equality rights and section 28 which states that the rights and freedoms referred to in the Charter are guaranteed equally to male and female persons.

4. Section 15 came into effect on April 17, 1985, three years after the other provisions. It guarantees the right to equality in the law without discrimination on a number of grounds including sex. In order to appreciate the implications of section 15, that section must be read in conjunction with sections 1 and 32 of the Charter. Section 1 provides that Charter rights are "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". The Supreme Court of Canada has indicated that in order for a limit to meet the requirements of section 1, it must serve a significant objective with appropriate means employed to attain it. The Supreme Court has also stressed that the onus is on the proponent of a Charter limit to establish that section 1 is complied with, and that clear and cogent evidence will be required in this regard (Queen v. Oakes, [1986] 1 S.C.R. 103).

5. Section 32 of the Charter states that the Charter applies to federal and provincial governments. Thus, the rights guaranteed by section 15, as with other Charter rights and freedoms, apply to government activity, whether of a legislative or administrative character.

6. Section 15 has not as yet been interpreted in a case before the Supreme Court of Canada. However, lower court decisions, and indeed the approach that the Supreme Court of Canada has taken to the interpretation of the other rights guaranteed in the Charter, suggest that it will be interpreted in a more liberal fashion than the comparable provision of the Canadian Bill of Rights, which was discussed at pp. 9 and 20-21 of Canada's previous report. In particular, early jurisprudence indicates that section 15 may be interpreted to preclude systemic or unintentional discrimination as well as direct discrimination (Blainey v. Ontario Hockey Association et al., [1986] 54 O.R. (2d) 513 (Ont. C.A.). In this case, leave of appeal to the Supreme Court of Canada was refused by the Court).

7. One very significant consideration in the present context is the doctrine that where the language of domestic law is open to more than one interpretation, Canada's international obligations should be taken into account in choosing the appropriate meaning. This is a doctrine which is having increasing practical effect with the advent of the Charter. Furthermore, the terms of section 1 of the Charter, which are set out above, permit the reference to international standards of human rights in determining whether any limitation upon a Charter right is acceptable.

8. Thus there are already 70 cases in which reliance has been placed on various provisions of international law in interpreting analogous provisions of the Charter. Now that section 15 is in force, it is expected that relevant international conventions such as the present convention will also be relied upon by the courts in interpreting it. Indeed, there is already one significant case at the appellate level in which the Court relied on the definition of "discrimination" in article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women to support its interpretation of section 15 of the Charter (Andrews v. Law Society of British Columbia, [1986] 4 W.W.R. 242 (B.C.C.A.)).

(iii) Human rights legislation

9. Another primary means of implementing the Convention in Canada is through human rights legislation which prohibits discrimination on various grounds, including sex and marital status, in regard to employment matters and the provision of goods, services and accommodation, and applies in the private sector as well as to governments. Federal and provincial human rights laws have recently been interpreted by the Supreme Court of Canada to preclude systemic or unintentional discrimination as well as direct discrimination (Bhinder and Canadian Human Rights Commission v. Canadian National Railway, [1985] 2 S.C.R. 561; O'Malley and the Ontario Human Rights Commission v. Simpsons Sears, [1985] 2 S.C.R. 536).

(b) Effects in Canada of ratification of the Convention

10. As indicated above, Canada's international treaty obligations are relevant to the interpretation of domestic law and, most significantly in the present context, to section 15 of the Canadian Charter of Rights and Freedoms. This was one of the reasons that the Continuing Federal-Provincial-Territorial Committee of Officials Responsible for Human Rights prepared a Reference Document on the Convention on the Elimination of All Forms of Discrimination Against Women, which contains a commentary on the possible meaning of its various provisions. This Reference Document was received by Ministers at the 1985 Federal-Provincial-Territorial Ministerial Conference on Human Rights, and over 500 copies of this document have now been distributed.

11. On occasion the various jurisdictions in Canada have made specific references to the Convention in implementing measures to eliminate discrimination against women in the course of their review of legislation in light of section 15 of the Charter.

(c) Means used to promote advancement of women: Status of Women mechanisms

(i) Government mechanisms to improve the status of women

12. The federal, provincial and territorial governments have each named a Minister Responsible for the Status of Women. As well, they have established a specific internal mechanism to assist the Minister and work with other government departments on policy matters. In some cases, these offices also have specific program responsibilities on such issues as affirmative action or equal pay. Twelve of the 13 governments have also established separate advisory councils to undertake independent research and provide independent advice and to bring before both the public and the government matters of concern to women.

(ii) Intergovernmental co-operation

13. Federal, provincial and territorial Ministers Responsible for the Status of Women meet regularly to discuss issues of common concern, such as Native, visible minority and immigrant women, and job training.

14. A working group of officials examined concerns relating to the availability and affordability of child care, specifically related to taxation and financing matters. Another working group of officials reviewed the problem of wife battering in Canada.

15. At a conference held in November 1985, the Prime Minister of Canada, the provincial Premiers and the Leaders of Territorial Governments endorsed the development of an intergovernmental labour force strategy for women in recognition of persisting labour force inequality. They also endorsed a statement of commitment recognizing that women's issues are primarily economic and committing all governments to take action to achieve economic equality for Canadian women.

16. At the First Ministers' Conference in Vancouver, November 20-21, 1986, the paper Towards a Labour Force Strategy ... A Framework for Training for Women was endorsed by Canada, 9 provinces and two territories (Manitoba did not endorse). This strategy focuses on measures to ensure that women receive their fair share of training expenditures. Ministers Responsible for the Status of Women have been directed to report to First Ministers at the next First Ministers' Conference on progress made in 1987.

17. In June 1983, a Five-Year Federal-Provincial Plan on Nutrition in Health Promotion for Pregnant Women was developed. The objective is to improve and maintain maternal and infant health through nutrition intervention, to decrease the rate of low birth weight and to reduce infant mortality and morbidity rates. Under the Plan, national guidelines on nutrition in pregnancy have been developed.

18. Many matters of concern to women, such as anti-discrimination legislation and affirmative action, are discussed at meetings of the Continuing Federal-Provincial-Territorial Committee of Officials Responsible for Human Rights and at meetings of ministers responsible for human rights.

2. Statistical overview

19. The guidelines issued by the Committee on the Elimination of Discrimination Against Women request States Parties to submit data that reflect the actual realities and general conditions that exist in the country (heading 5). The following statistical review and the charts and tables that accompany it are meant to illustrate some aspects of Canada's situation. Four categories of indicators were selected, social characteristics, education, economic characteristics and public life, on the basis of the provisions of the Convention and taking into account the indicators on the status of women selected by the United Nations.

I. SOCIAL CHARACTERISTICS

(a) Population

20. From 1976 to 1985, the female population in Canada rose from 11.5 million to 12.8 million, or from about 50.2% of the total population to 50.5%.

21. Of the population 60 years of age and over in 1976, 54.9%, or about 1.6 million, were women. By 1985, this had climbed to 56.4%, or about 2.1 million. During the same period, the percentage of women 60 years of age and over increased from 13.8% to 16.5% of the total female population.

22. Between 1976 and 1985, the proportion of women in the population under 15 years of age stayed stable at around 48.7%, but, in relation to the total female population, it decreased from 24.9% to 22.2%.

(b) Family

23. From 1976 to 1982, the marriage rate fell from 61.0 to 50.7 per 1,000 single, widowed and divorced women aged 15 and over. From 1983 to 1985, marriage rates decreased for the 15-24 age group and stayed the same for the other age groups. The largest decrease was in the 20-24 age group: from 122.0 in 1983 to 106.1 in 1985. From 1976 to 1985, the divorce rate increased from 985.6 to 1003.5 per 100,000 married women aged 15 and over; it peaked at 1164.4 in 1982. Following divorce, women retain custody of over three quarters of all children involved.

24. In 1981, 82% of all women aged 15 and over lived in a family (compared to 83.4% in 1976): 60% were wives in a two-parent family (61.5% in 1976); 6.3% headed lone-parent families (5.5% in 1976); and 15.7% were children living at home (16.4% in 1976).

25. Although the majority of Canadians still live in some type of family setting, there have been substantial increases in the population living alone and in families headed by lone parents, and women make up the majority of both groups.

26. One-person households increased by almost 40% between 1976 and 1981, from 1,205,300 to 1,681,130, and of this latter total, almost one million were women. By far the largest single group of people living alone are elderly women. In 1981, nearly one third of all women over 65 lived alone (435,000). In contrast, just 13% of all men 65 and over were living alone (131,000). The main reason for this phenomenon is that women outlive men by a significant margin.

27. In 1981, 589,825 families, almost one of every 10 Canadian families, were headed by a female lone parent, an increase of 59% from 1971. During the same period, the number of families headed by a male lone parent rose by only 24.6%, to 124,175.

28. Canadian families are getting smaller. In 1981, husband-wife families had 1.3 children on average compared to 1.7 in 1971. Lone-parent families, however, still had on average 1.7 children in 1981 compared to 1.8 in 1971.

29. The fertility rate, that is the number of births per 1,000 women aged 15-49, declined from 60.3 in 1976 to 55.1 in 1985.

30. The growth of labour force participation by women (discussed below) has been accompanied by an increase in the demand for child care arrangements. By 1981, fewer than half of all children under six were cared for exclusively by their parents. In the 1976-1982 period, although the number of day-care spaces in Canada increased by more than 48% (from 83,520 to 123,962), day-care still served only 11% of children involved in non-parental care. Far greater numbers of children were supervised either in a nursery school or kindergarten (481,000 in 1982), or in another private household (402,000), or by someone coming into the child's home (401,000).

31. Women bear the primary burden of family and home care, even when they are employed outside the home. Women in the labour force average almost four hours each day on domestic and child care duties compared with six hours for women not in the labour force and two hours for men. However, because women average fewer work-related hours than men (a large number of women work part time), total working hours (the combined amount of time on work-related and household activities), of men and women in the labour force are roughly equal.

Figure 1.
Time Spent on Selected Activities, 1981

Source: Time Use Pilot Survey, Department of Communications, Employment and Immigration Canada, and Statistics Canada, 1981.

(c) Health

32. Life expectancy for women increased from 77.5 years in 1976 to 79.0 years in 1981, compared to 70.2 years for men in 1976 and 71.9 in 1981. However, estimates for 1978 indicated that, although women's life expectancy at birth was 7.5 years longer than that of men, their disability-free life expectancy was only 3.6 years longer. Similarly, while 65-year-old women had an average life expectancy of 4.3 years more than 65-year-old men, the difference in disability-free time was only 1.7 years.

33. The maternal death rate dropped from 6.7 per 100,000 live births in 1976 to 4.0 in 1985.

34. The abortion rate per 1,000 women 15-44 years was 10.3 in 1976. It peaked at 11.6 in 1979, and then declined to 9.9 by 1985. These statistics include only therapeutic abortions performed in accredited hospitals in Canada.

II. EDUCATION

(a) Attendance in educational institutions by age

35. School attendance is compulsory in Canada up to the age of 15 or 16 depending on the province or territory. Virtually all children of school age attend school.

36. In the 15-19 age group, where attendance is not compulsory for the majority, the ratio of enrollment has shifted slightly between 1971 and 1981. In 1971, 73.8% of young men were enrolled in educational institutions compared to 71.1% of young women. But in 1981, 65.5% of young men were enrolled compared to 66.2% of young women (the decline in the percentage of attendance for young people of both sexes is mainly attributable to the shifting distribution of the age curve. Between 1971 and 1981, the proportion of younger teenagers decreased and the proportion of older teenagers increased. This aging of the teenage sub-population has thus meant an increase in the number of teenagers who were beyond the compulsory school-going age).

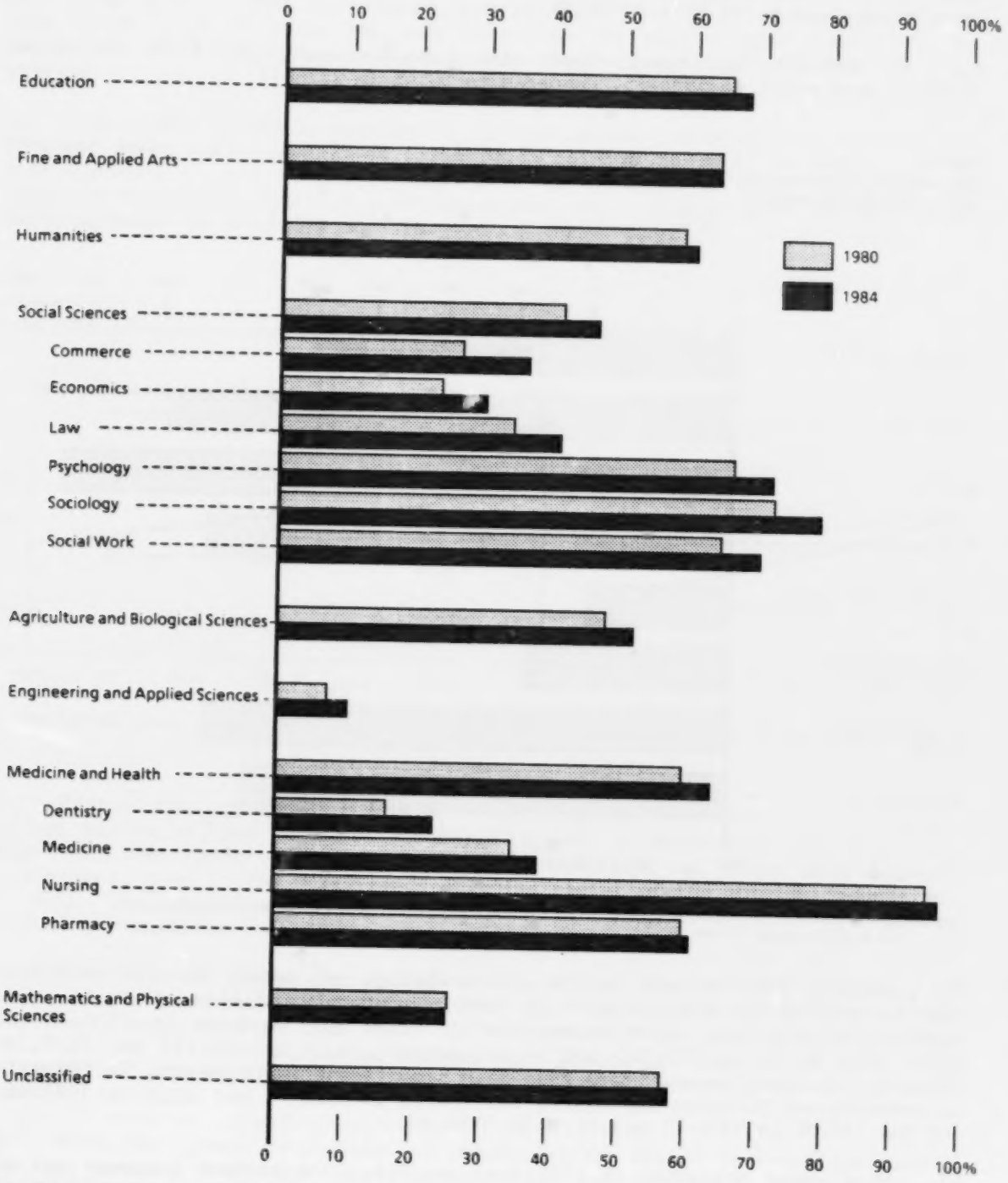
37. In the older 20-24-year age group it appears that proportionately fewer men were enrolled in educational institutions full time in 1981 (21%) than in 1971 (23%), but more women were enrolled (16% in 1981 compared to 13% in 1971). In that same age group, the rate of part-time attendance by women rose from 6% in 1971 to almost 9% in 1981 while the rate of attendance of men remained constant at 9%.

(b) Post-secondary

38. Post-secondary full-time enrollment of women increased by 39.2% during the period from 1976-77 to 1984-85, while male enrollment increased by only 21.5%. Women represented 45.3% of post-secondary students in 1976-77, and 48.7% in 1984-85.

39. In 1976-77, 45.9% of full- and part-time university students were women. In 1984-85, that percentage had increased to 51.4%. The percentage of female graduate students rose from 31.3% in 1976-77 to 38.6% in 1984-85, while the percentage of female undergraduate students rose from 47.9% to 52.8%.

Figure 2.
Percentage of University Degrees* Received by Women by Field of Study and Selected Disciplines, 1980 and 1984



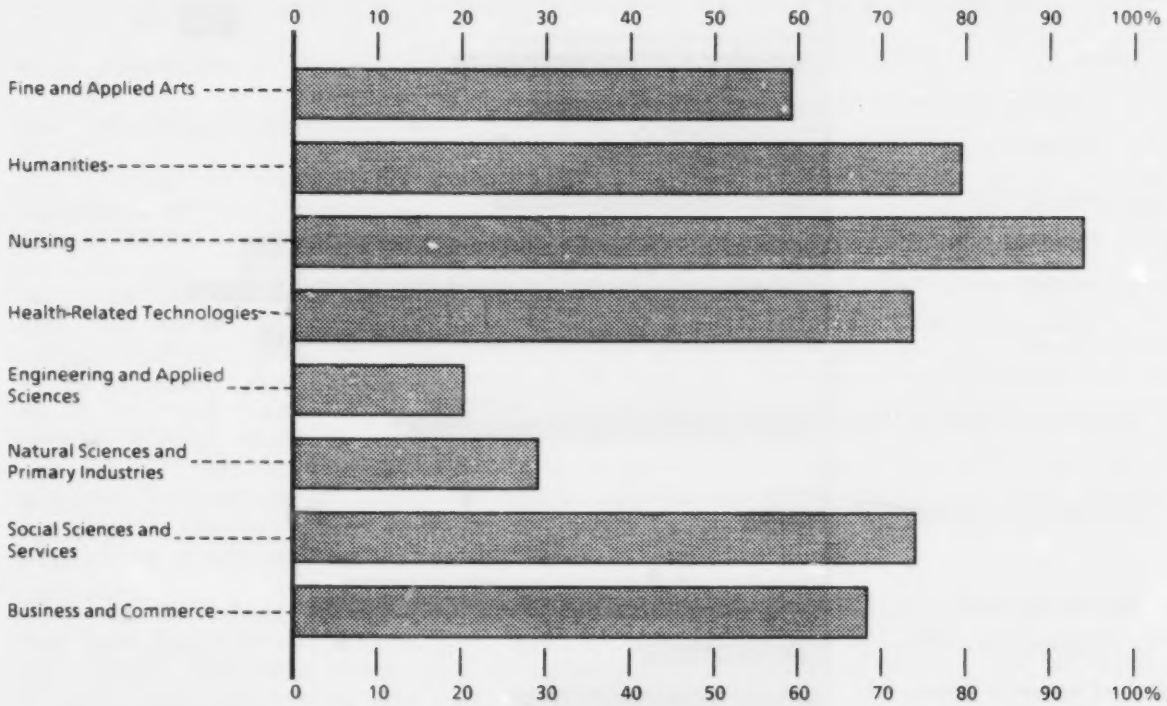
*Includes: Bachelor's and First Professional, Master's and Doctoral

Source: Statistics Canada, Universities: Enrolment and Degrees, Cat. nº 81-204, (tables 22-24) 1980 and (tables 20-22) 1984.

40. Women form the majority of part-time university students, moving from 53.0% in 1976-77 to 58.6% in 1984-85. Among undergraduate students in 1984-85, over 60.5% of those in part-time studies were women compared to 56.5% in 1976-77. At the graduate level, 45.4% of part-time students were women in 1984-85 compared to 32.5% in 1976-77.

41. In community colleges, women also outnumber men: 51.1% of full-time students were women in 1984-85, compared to 50.4% in 1976-77.

Figure 3.
Percentage of Community College Diplomas Received by Women by Field of Study, 1984



Source: Statistics Canada, Community Colleges and related institutions: postsecondary enrolment and graduates, Cat. nº 81-222,(table 7) 1984.

42. Despite improvements in the participation of women in post-secondary education, progress remains slow in some undergraduate fields of study. For example, in sciences, women represented 35.3% of all students in 1976-77 and still only 38.1% in 1983-84, and in engineering, 6.7% in 1976-77 and 11.9% in 1984-85. In other areas, there have been significant improvements, for example in commerce and business administration (26.2% in 1976-77 and 42.5% in 1983-84) and law (29.8% in 1976-77 and 45.7% in 1984-85).

43. More women graduated in 1984 than in 1976. The highest increase was at the Master's level (40.7% of graduates were women in 1984, up from 31.3% in 1976).

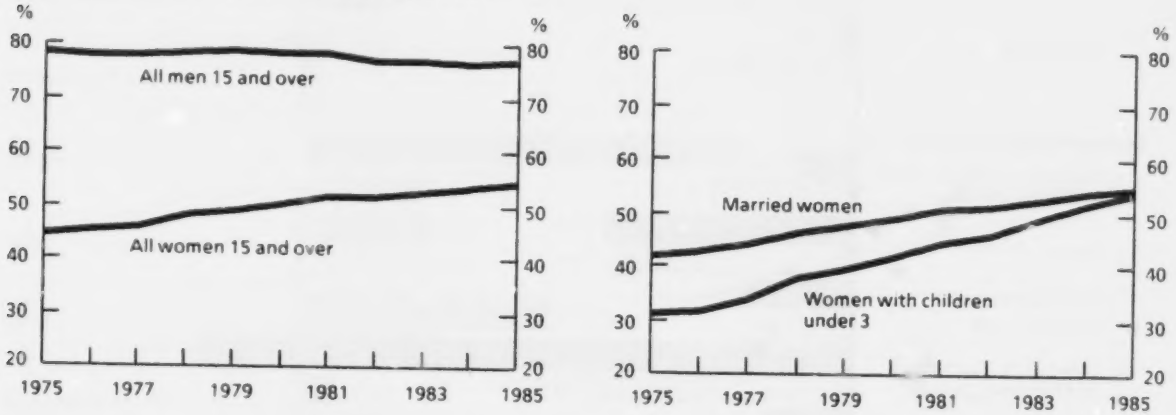
III. ECONOMIC CHARACTERISTICS

a) Labour force participation

44. From 1976 to 1985, the female participation rate in the labour force rose from 45.0% to 54.3% while the male participation rate dropped from 77.7% to 76.7%. In 1985, women formed 43.9% of the total labour force, up from 38.1% in 1976.

45. The steady growth is apparent in all age groups, although the increase was greatest among women aged 25-44 (from 53.7% in 1976 to 70.4% in 1985). It is also apparent in all family situations. For example, in 1985, over half of women in two-parent families with pre-school age children were in the labour force compared to about 35% in 1976.

Figure 4.
Labour Force Participation Rates, 1975-1985



Sources: Statistics Canada, Labour Force Annual Averages, Cat. nº 71-529 and The Labour Force, Cat. nº 71-001, December 1985.

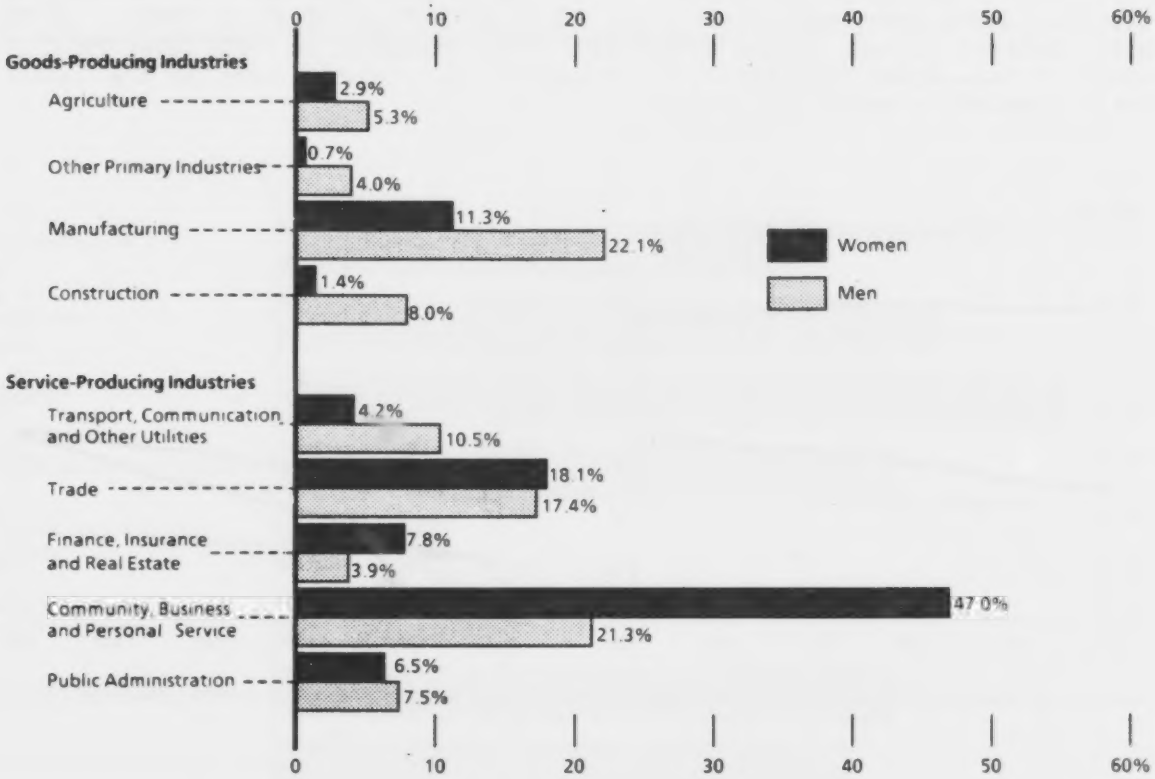
46. Part of the increased labour force participation of women reflects changes in the nature of the Canadian economy. Growth in employment has been much slower in the sector of goods-producing industries, in which male workers predominate, than in the more female-oriented sector of the service industries. As well, the recession in the early 1980s had a greater impact on goods-producing industries than on the service sector.

47. Women claimed almost one million of the 1.4 million new jobs generated in the service sector between 1975 and 1983, and they accounted for 89% of the increase in employment in this sector in the 1981-1983 period. As a result, by 1983, half of all service sector workers were women, up from 45% in 1975. As well, 83% of all employed women were in this sector compared to 61% of male workers.

48. While the growth in the service industries may appear to advantage women, the fact remains that many jobs in this sector are part time, low-paying, and offer few fringe benefits and little potential for promotion or career advancement.

49. Women have also increased their share of jobs in goods-producing industries. From 19.6% in 1975 their share of jobs in this sector increased to 23.4% in 1985. Women who work in this sector, however, are concentrated in certain traditionally female jobs, particularly in the textile, fur and leather, or food and beverage processing industries.

Figure 5.
Distribution of Employment by Industry and Sex, 1985

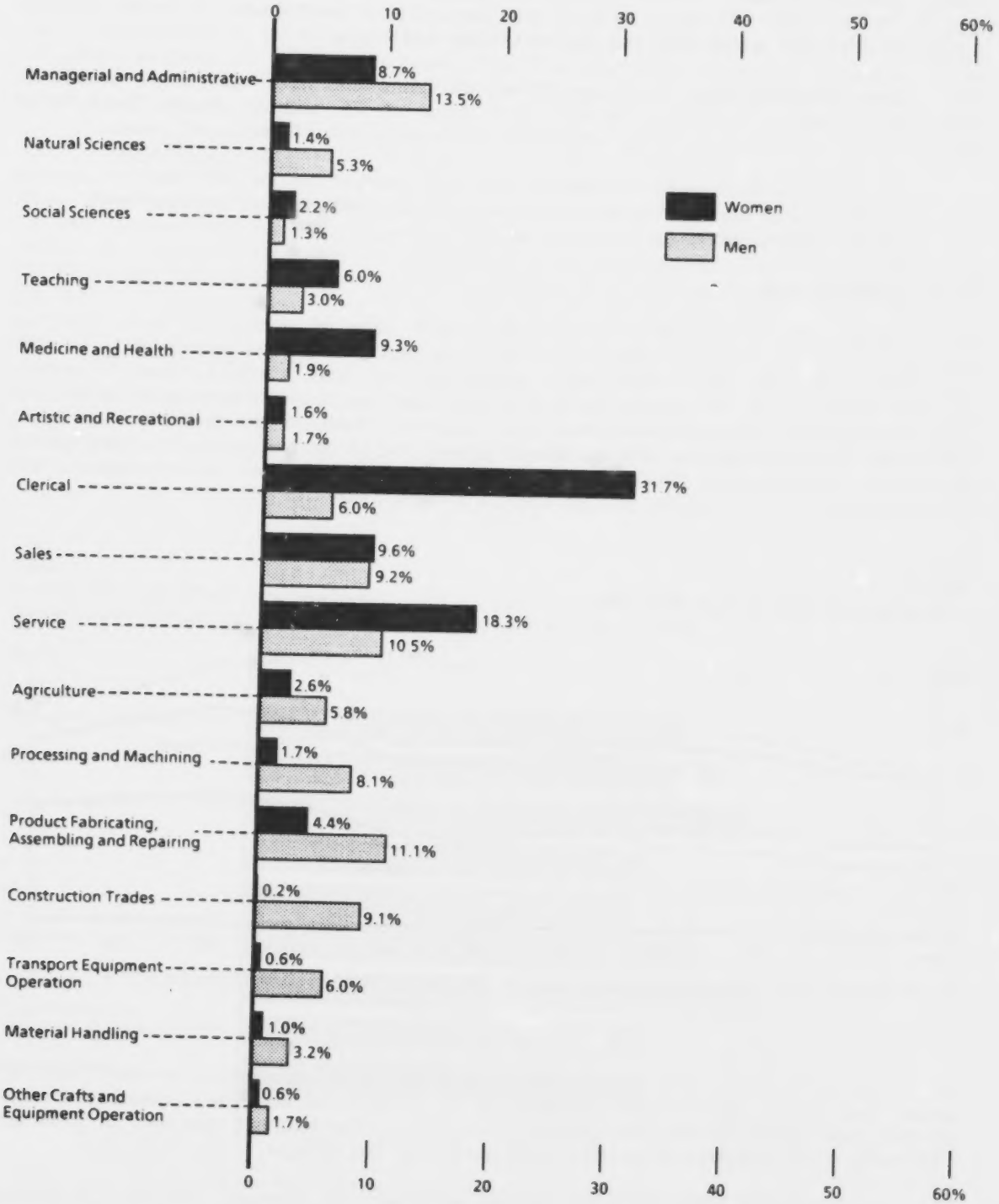


Source: Statistics Canada, The Labour Force, Cat. nº 71-001, (table 71) December 1985.

50. In terms of occupations, most women continue to work in occupations in which women have traditionally been the majority. In 1985, 74.9% of all female workers were in just five occupational groups--clerical, service, sales, medicine and health, and teaching--compared to 79.8% in 1975. The largest concentration was in clerical occupations (31.7% in 1985 compared to 36.1% in 1975).

51. The largest growth occupations of women between 1971 and 1981 were bookkeepers and accounting clerks, followed by secretaries and stenographers, tellers and cashiers, salespersons, and waitresses. Women, however, increased their share of jobs in all occupations, even in some male-dominated categories. Gains were most impressive in the managerial and administrative category where, between 1975 and 1985, women's share of all positions increased from 19% to 32%.

Figure 6.
Distribution of Employment by Occupation and Sex, 1985



Source: Statistics Canada, The Labour Force, Cat. nº 71-001 , (table 71) December 1985

(b) Part-time Employment

52. In 1983, over 25% of all employed women worked part time compared with fewer than 8% of men. Women formed 70.8% of the part time labour force in 1976 and 71.9% in 1985. As well, 44% of the increase in employment of women between 1975 and 1983 was accounted for by part-time positions.

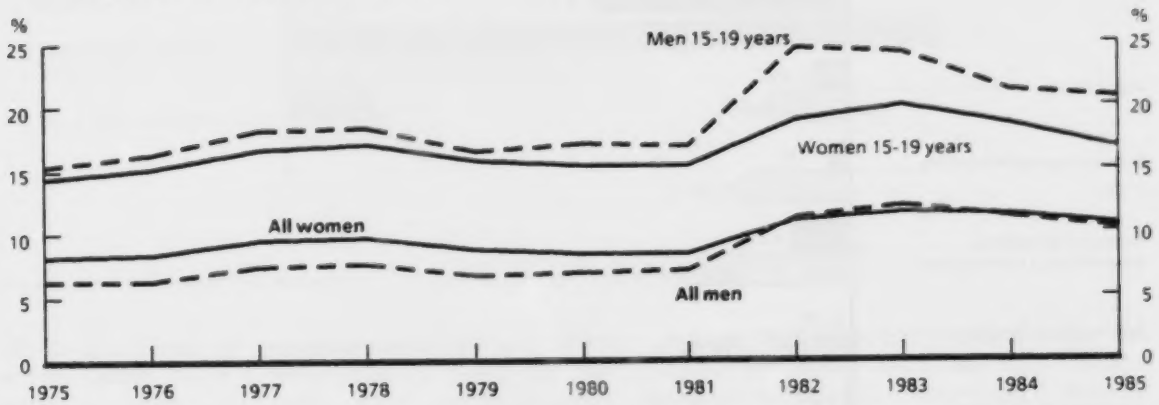
53. Women and men aged 15-24 and those 65 years and over were most likely to work part time. However, between the ages of 25 and 64 fewer than 5% of employed men worked part time, compared to roughly 25% of employed women.

54. While a large number of women who work part time do not want full-time jobs, 27.8% of all women who worked part time in 1985 did so because they could not find full-time jobs, up from 11% in 1975.

(c) Unemployment

55. Between 1976 and 1979, the unemployment rate of women was more than two points higher than that of men. In 1980, the gap started to narrow and, in 1982 and 1983, the rate of unemployment among men exceeded slightly that of women. In 1984 and in 1985, however, the trend reversed again and the rate of unemployment among women narrowly exceeded that of men. Much of the shift in the early 1980s can be explained by higher unemployment rates in the male-oriented goods-producing industries than in the service industries where women are concentrated.

Figure 7.
Unemployment Rate, by Age, 1975-1985



Sources: Statistics Canada, Labour Force Annual Averages 1975-1983, Cat. nº 71-529; The Labour Force, Cat. nº 71-001.

56. For both sexes, the unemployment rate was more pronounced in the 15-24 age group, but there was a higher percentage of unemployed men than unemployed women in that age group during the period 1976-1985. The highest gap was in 1982 and 1983 when five percentage points separated the two groups.

57. Unemployment patterns also varied with marital status. During the period 1976-1985, the rate of unemployment was lower among single women than among

single men, but it was higher among married women than among married men. The gap increased in the early 1980s between single men and single women, but it lessened between married men and married women. For both sexes, rates were lower for married than for single people.

58. Unemployment rates were also considerably higher among women with young children without a spouse at home than for mothers of young children whose husbands lived at home, the difference being even greater among women with pre-school age children.

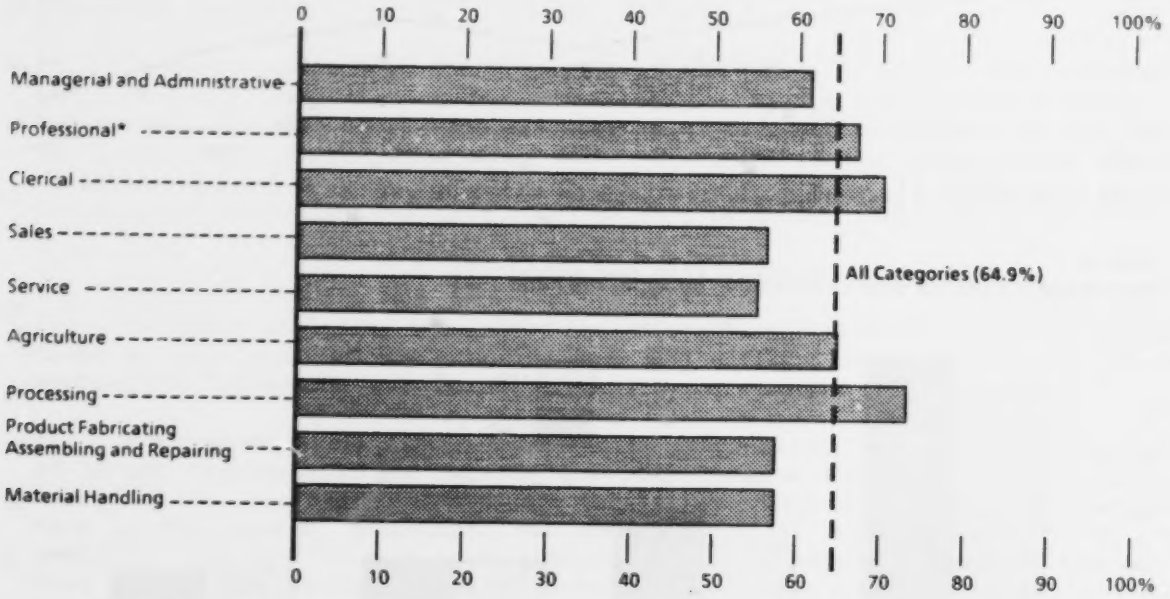
(d) Unionization rate

59. Women are much less unionized than men. Their rate of unionization (that is the percentage of paid workers who belong to union organizations) is far below that of men although it increased slightly between 1976 and 1982 (from 23.1% to 24.5%), while the rate of unionization of men decreased (from 38.2% to 37.3%).

(e) Earnings and income

60. The wage gap between men and women has narrowed slightly. In 1975, the earnings of full-time women workers were 60.2% of those of men working full time. This percentage had risen to 64.0% by 1982 and to 65.5% by 1984. In 1985, however, it dropped to 64.9%, the first yearly drop since the statistics started to be compiled in 1967, when the rate was at 58.4%.

Figure 8.
Average Earnings of Full-Time Workers, Women's Earnings as a Percentage of Men's Earnings, by Occupation, 1985



* Includes natural sciences, social sciences, religion, teaching, medicine and health and artistic and recreational.

Source: Statistics Canada, Earnings of Men and Women, Cat. nº 13-217, (table 5 and chart II) 1985.

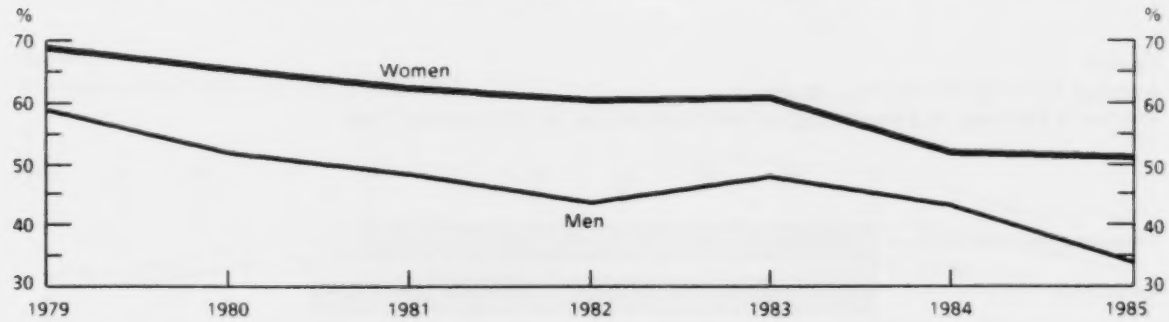
61. The ratio of women's earnings in relation to men's earnings decreased with age, from 80.9% in the 15-24 age group in 1985 to 62.2% in the 55-64 age group. In terms of education, women with university degrees earned 68.7% as much as men with similar education in 1985, while women with eight or less years of school attendance earned only 58.4% as much as their male counterparts.

62. In terms of total income, women's income was 54.6% that of men in 1985, 55.3% in 1984, 52.8% in 1982 and 44.1% in 1975. Women's share of total income was 33.5% in 1985 compared to 32.1% in 1982 and 25.5% in 1975.

63. The wife's average contribution to the total family income more than doubled between 1967 and 1985, passing from 10% to 20%.

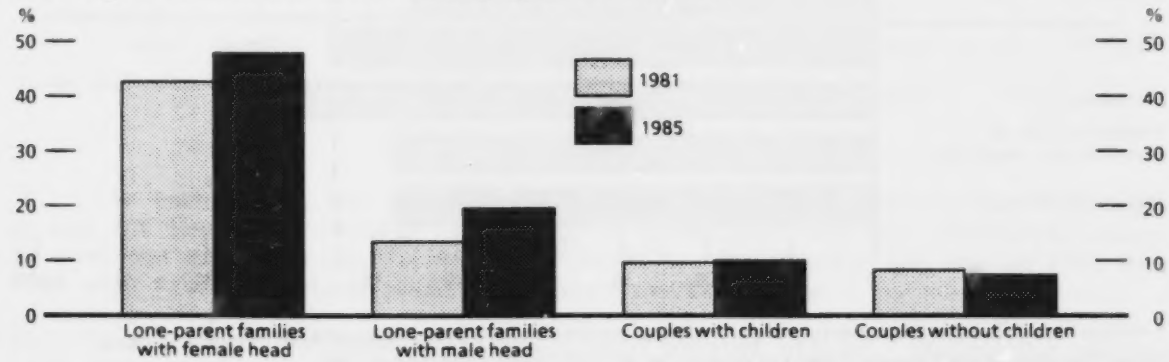
64. Lone-parent families headed by women and elderly women living alone are among the most vulnerable to economic hardship. In 1982, and again in 1985, almost half of all lone-parent families headed by women had incomes below official low-income lines. The rate for those with single children under the age of 18 was even greater at 57.3% in 1982 and an estimated 60.2% in 1985. With regard to elderly unattached women, the incidence of low income declined from 60% in 1982 to just over 50% in 1985, still substantially above that of most other socio-economic groups.

Figure 9.
Percentage of Unattached Individuals Aged 65 and Over with Low Income, 1979-1985



Source: Statistics Canada, Income Distributions by Size in Canada, Cat. nº 13-207, (table 85) 1985.

Figure 10.
Percentage of Families with Low Income, by Type, 1981 and 1985



Source: Statistics Canada, Income Distributions by Size in Canada, Cat. nº 13-207, 1985.

IV. PUBLIC LIFE

65. Data on the participation of women in public life are not systematically gathered. For the purpose of this report, partial data were gathered in consultation with provincial and territorial governments. The data deal with three areas of participation: elected bodies, the judiciary, and senior government positions. The data are presented in Tables 1, 2 and 3 below.

66. Table 1 provides details of women's representation on elected public bodies for the years 1975, 1980 and 1985. While data were not always available for 1975 and 1980, that which were available show an increase in women's participation although net percentages remain low.

67. On average, women held 22.4% of all elected positions on legislative bodies, municipal councils and school boards, taken together, in 1981, compared to 9.5% in 1971. However, Table 1 shows that women are better represented on school boards and on municipal councils than in federal, provincial and territorial legislatures. In the House of Commons, for example, although the number of women tripled between 1975 and 1985, their percentage representation was still only 9.2% in 1985. The same is true for provincial and territorial legislatures where the percentage varied from 2.0% to 19.0% in 1985, compared to 6.4% to 33.0% for municipal councils and 25.0% to 56.0% for school boards.

68. It would appear that women are more represented as elected representatives on elected bodies, that is legislatures, municipal councils and school boards, and as cabinet ministers (cabinet ministers are appointed, most of the time from elected members in the legislatures) than as appointed members of the judiciary or in senior government positions.

69. In the judiciary, as of January 1, 1987, women held only 95 of the 1,666 positions, that is 5.7%. Women held 6.3% of federal appointments and 5.1% of provincial and territorial appointments. (Table 2)

70. In senior government positions, women are generally better represented at the minister's level than at the other levels. Within the federal government, for example, in 1985 there were six women ministers out of a total of 39, that is 15.4%, while there were seven women deputy ministers or associate deputy ministers out of a total of 52, or 13.5%, and a mere 12 assistant deputy ministers or equivalent out of a total of 293, or 4.1%. (Table 3)

3. Progress and difficulties

71. The above analysis, and indeed the information contained in Part II below, gives an indication of the progress made and difficulties remaining in implementing the Convention and achieving equality between men and women.

72. Since women still assume most family responsibilities, their flexibility to assume responsibilities outside the home remains limited. This is accentuated by the low level of child care facilities. Significant progress has been made in the area of education, but women are still under-represented at the graduate level and in some undergraduate fields of study. Progress has also been made in the participation of women in the labour force. However, the gap between the earnings of women and men remains high. Women are still concentrated in lower paid occupations and access to jobs that provide higher wages

and better advancement possibilities remains difficult. Lone female parents and lone elderly women are particularly vulnerable to economic difficulties. Since women are under-represented in public life, they are not always in a position to influence the decisions which may affect their lives.

73. Views are changing in Canada with respect to the role of women in society. Most Canadians strongly support the principle of equality between men and women and recognize the importance and benefit for society of the full representation and participation of women in all areas of activity. However, attitudes and perceptions still remain which stereotype women in traditional roles and retard changes necessary to their full participation. The governments are committed to achieving equality and to enacting measures to ensure the full participation of women in society. Part II of this report will outline the measures adopted to give effect to this commitment.

4. Sources of data for statistical overview

Statistics Canada

- Women in Canada: A Statistical Report. Cat. no. 89-503E March 1985*
- Postcensal Annual Estimates of Population by Marital Status, Age, Sex and Components of Growth for Canada, Provinces and Territories. Cat. no. 91-210
- Marital Status by Age Group. Cat. no. 92-825
- Marriages and Divorces: Vital Statistics, Vol. II. Cat. no. 84-205, annual
- Births and Deaths: Vital Statistics, Vol. I, 1977, 1980, 1984 and 1985. Cat. No. 84-204
- Deaths: Vital Statistics, Vol. III, 1976. Cat. no. 84-206
- Therapeutic Abortions. Cat. no. 82-211, annual
- Elementary-Secondary School Enrolment. Cat. no. 81-210, annual
- Level of Schooling by Age Group. Cat. no. 92-827 (bulletin 2.8), 1976 Census
- School Attendance and Level of Schooling. Cat. no. 92-914, 1981 Census
- Advance Statistics of Education. Cat. no. 81-220, annual
- Education in Canada: A Statistical Review. Cat. no. 81-229, annual
- Enrolment in Community Colleges. Cat. no. 81-222, annual
- Universities: Enrolment and Degrees. Cat. no. 81-204, annual
- Labour Force Annual Averages. Cat. no. 71-529 T.15
- The Labour Force. Cat. no. 71-001, T65 and T80. December 1985
- Labour Force--Occupational Trends, Vol. I. Cat. no. 92-920, 1981 Census
- Earnings of Men and Women 1985. Cat. no. 13-217, annual
- Women in the Workplace: Selected Data. Cat. no. 71-534. March 1987

Department of the Secretary of State

- Convention on the Elimination of All Forms of Discrimination Against Women: Report of Canada. May 1983
- Youth and Education: A Study of 15-24 year-olds in the Canadian Education System. November 1985
- Young People and the Family: Some Demographic Aspects. April 1986

Status of Women Canada

- Child Care Needs of Parents and Families: Background Papers for the Task Force on Child Care (series 5). December 1985

Labour Canada

- Women in the Labour Force, 1985-1986 edition. Cat. no. L24-1468/86B

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* Women in Canada is a collection of statistics documenting the evolution of the status of women in Canada since 1970. Since it was widely used in the statistical overview, a copy is being sent to the Secretary-General with the present report for reference purposes.

5. Tables

TABLE 1: REPRESENTATION OF WOMEN ON ELECTED PUBLIC BODIES

JURISDICTION	LEGISLATURE			MUNICIPAL COUNCILS (mayors and councillors)			SCHOOL BOARDS		
	1975	1980	1985	1975	1980	1985	1975	1980	1985
CANADA HOUSE OF COMMONS	(10/279) 3.6%	(14/282) 5.0%	(27/282) 9.6%	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
SENATE	(7/91) 7.7%	(10/98) 10.2%	(11/101) 10.9%	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
ALBERTA	2.7%	7.6%	7.6%	11.5%	16.2%	17.8%	-	-	34.0%
BRITISH COLUMBIA	-	-	10.5%	-	-	17.0%[a]	-	-	42.0%
MANITOBA	-	-	8.7%	-	-	8.7%	-	-	31.5%
NEW BRUNSWICK	3.4%	6.8%	5.2%	6.4%	7.4%	15.5%	24.1%	24.8%	34.2%
NEWFOUNDLAND	-	-	2.0%	-	-	-	-	-	-
NOVA SCOTIA	-	2.0%	6.0%	-	-	14.6%	-	-	39.2%
ONTARIO	2.5%	4.8%	7.2%	-	-	6.4%[b]	-	-	25.0%
PRINCE EDWARD ISLAND	-	-	9.4%[k]	-	-	13.2%[k]	-	-	26.6%[k]
QUEBEC	4.5%[c]	6.5%[d]	14.7%	-	8.1%[e] 2.3%[f]	12.9%[g] 5.3%[h]	-	27.7%[i]	35.4%[j]
SASKATCHEWAN	-	-	7.8%	-	-	-	-	-	-
NORTHWEST TERRITORIES	-	8.3%	8.3%	-	-	16.3%	-	-	41.5%
YUKON	-	-	18.7%	-	-	33.3%	-	-	56.2%

LEGEND: N.A. not applicable
- data not available

a mayors and treasurers only
b heads of council only
c at 1976 election
d at 1981 election
e councillors, 1981
f mayors, 1981
g councillors
h mayors
i 1981
j 1984
k 1986

TABLE 2: REPRESENTATION OF WOMEN IN THE JUDICIARY, 1986

JURISDICTION	FEDERAL APPOINTMENTS (Superior Courts)*			PROVINCIAL/TERRITORIAL APPOINTMENTS (Lower Courts)		
	Total No. in Office Men and Women	Number of women	Women as a percentage of total %	Total No. in Office Men and Women	Number of women	Women as a percentage of total %
CANADA						
SUPREME COURT**	9	1	11.1	N.A.	N.A.	N.A.
FEDERAL COURT	25	1	4.0	N.A.	N.A.	N.A.
TAX COURT	12	1	8.3	N.A.	N.A.	N.A.
ALBERTA	75	7	9.3	111	7	6.3
BRITISH COLUMBIA	98	8	8.2	115	7	6.1
MANITOBA	39	3	7.7	33	0	0.0
NEW BRUNSWICK	32	1	3.1	21	2	9.5
NEWFOUNDLAND	26	2	7.7	6	0	0.0
NOVA SCOTIA	31	1	3.2	38	3	7.9
ONTARIO	236	13	5.5	228	6	2.6
PRINCE EDWARD ISLAND	8	0	0.0	3	0	0.0
QUEBEC	169	10	5.9	254	16	6.3
SASKATCHEWAN	42	3	7.1	46	2	4.3
NORTHWEST TERRITORIES	2	0	0.0	3	0	0.0
YUKON	1	0	0.0	3	1	33.3
TOTAL	805	51	6.3	861	44	5.1

* as of January 1, 1987

** a second woman was appointed to the Supreme Court in May 1987

N.A. not applicable

TABLE 3: WOMEN IN SENIOR GOVERNMENT POSITIONS

JURISDICTION	MINISTERS (appointed among elected members of legislatures) Women/Total		DEPUTY & ASSOCIATE DEPUTY MINISTERS (government appointments) Women/Total		ASSISTANT DEPUTY MINISTERS OR EQUIVALENT (civil service appointments) Women/Total	
	1980	1985	1982	1985	1982	1985
CANADA	2/33 (6.1%)	6/39 (15.4%)	1/44 (2.3%)	7/52 (13.5%)	10/266 (3.8%)	12/293 (4.1%)
ALBERTA	1/28 (3.6%)	2/28 (7.1%)	1/72[a] (1.4%)	-	11/197[b] (5.6%)	16/308[c] (5.2%)
BRITISH COLUMBIA	-	1/20 (5.0%)	3/29 (10.3%)	2/26 (7.7%)	0/71 (0%)	1/62 (3.8%)
MANITOBA	-	2/18 (11.1%)	2/23 (8.7%)	2/25 (8.0%)	-	4/37 (10.8%)
NEW BRUNSWICK	2/19 (10.5%)	2/20 (10.0%)	2/23 (8.7%)	2/27 (7.4%)	0/23 (0%)	1/28 (3.6%)
NEWFOUNDLAND	2/17 (11.8%)	1/19 (5.3%)	0/35 (0%)	0/- (0%)	3/73 (4.1%)	4/- (-)
NOVA SCOTIA	0/20 (0%)	1/22 (4.5%)	1/24 (4.2%)	1/- (-)	4/36 (11.1%)	-
ONTARIO	2/28 (7.1%)	2/23 (8.7%)	1/32 (3.1%)	5/36 (13.9%)	2/52 (3.8%)	2/60 (3.3%)
PRINCE EDWARD ISLAND	0/10 (0%)	1/10 (10.0%)	0/10 (0%)	0/12 (0%)	1/3 (33.3%)	0/- (0%)
QUEBEC	2/28[d] (7.1%)	4/28 (14.3%)	3/53 (5.7%)	4/48 (8.3%)	3/81 (3.7%)	6/86 (7.0%)
SASKATCHEWAN	-	2/19 (10.5%)	0/22 (0%)	2/27 (7.4%)	0/19 (0%)	3/36 (8.3%)
NORTHWEST TERRITORIES	0/8 (0%)	1/8 (12.5%)	0/10 (0%)	0/10 (0%)	0/13 (0%)	-
YUKON	-	1/5 (20.0%)	0/17 (0%)	1/11 (9.1%)	0/21 (0%)	-

- data not available
a includes executive officers II
b includes executive officers I
c includes executive officers I and II
d 1981

PART II: MEASURES ADOPTED BY GOVERNMENTS

74. Part I of this report contains information applicable to Canada as a whole. The present part discusses the measures adopted by each government to implement the provisions of the Convention in areas within its jurisdiction.

1. GOVERNMENT OF CANADA

ARTICLE 2: ELIMINATION OF DISCRIMINATION

75. The Canadian Human Rights Act prohibits discrimination on the basis, amongst other grounds, of sex. In July 1983, the Act was amended to specifically prohibit discrimination on the ground of pregnancy or childbirth. Other amendments included the proscription of sexual harassment as a discriminatory practice, the stipulation that the provision of special maternity benefits is not discriminatory and the inclusion of both family and marital status as prohibited grounds of discrimination.

76. Statutes which breached the equality provisions of the Canadian Charter of Rights and Freedoms were amended by legislation adopted in January 1985. That Act also requires the Minister of Justice to examine any future proposed legislation to ensure compliance with section 15 of the Charter.

77. A Parliamentary Sub-committee on Equality Rights conducted extensive public hearings across Canada, and in October 1985, tabled its report, Equality for All, in Parliament. This report made 85 recommendations on a variety of equality questions within federal jurisdiction. The Committee made a reference in its report to the concept of the social significance of maternity contained in the Preamble to the present Convention.

78. In March 1986, the federal government's response to this report, Toward Equality, was tabled in Parliament. Many of the commitments are directly relevant to women, such as those pertaining to pension rights, the role of women in the Armed Forces, statutory benefits for part-time workers, and measures to implement employment equity. The terms of this Convention were specifically taken into account in the government's decision to consider discrimination on the basis of marital status to be prohibited by section 15 of the Charter.

79. The Government announced that it would be amending the Canadian Human Rights Act to incorporate the concept of reasonable accommodation and other changes. Legislative proposals are expected in 1987. In December 1985, the Supreme Court of Canada decided in the case of Bhinder and Canadian Human Rights Commission v. Canadian National Railway Company that the Canadian Human Rights Act prohibits systemic or adverse effect discrimination, and that it is not necessary to show that the discrimination was intentional.

80. The Government provides for a program of financial support to groups and individuals to challenge before the courts laws perceived as contrary to the Constitution of Canada. Until recently such help was accorded only in the case of challenges involving language rights under the Constitution. In September 1985, the program was extended to cover equality rights recognized under section 15 of the Canadian Charter of Rights and Freedoms, either taken by itself or in light of the guarantees of sexual equality (section 28) or the preservation and enhancement of the multicultural heritage of Canadians (section 27), with respect to federal legislation. The $9-million budget over five years represents

close to a tenfold increase in the level of funding available under the original program. A private, non-profit organization, the Canadian Council on Social Development, administers the program. An independent panel decides which cases should receive financial assistance.

81. Pursuant to an agreement signed in March 1985 by the Canadian Human Rights Commission and the Public Service Commission, complaints of discrimination in the federal Public Service are now investigated by the Canadian Human Rights Commission.

82. All of the discriminatory provisions of the Indian Act listed in the first report were repealed by Bill C-31, which came into effect on April 17, 1985. Furthermore, those women who lost Indian status and band membership in the past as a result of the provisions of the former section 12(1)(b) are entitled to regain status and membership upon application. Their first generation descendents are entitled to acquire Indian status, and may apply to Indian bands for membership. Any dependent children may reside on the reserve with their parent who is a band member. In the 21 months following the passage of the legislation, close to 39,000 applications were received which may represent as many as 78,000 people. Nearly 18,000 have been registered as status Indians. Of those who had their status restored, 89% had originally lost their Indian status on sexual grounds.

83. Changes were made to the Unemployment Insurance Act conditions for maternity benefits described under article 2(f) in Canada's first report. Since January 1, 1984, the rule which required a woman to have been an active member of the labour force at the time of conception has been removed. The 15 weeks during which maternity benefits are payable need no longer be consecutive. Section 46 of the Act, which prevented a pregnant woman who did not qualify for maternity benefits from applying for regular or sickness benefits during the defined maternity period, has been repealed. As a result, a woman who does not qualify for the maternity benefits may nevertheless receive the regular or sickness benefits during the period surrounding the confinement, if she meets the general eligibility requirements. In addition, the legislation was amended to enable an adoptive parent to receive up to 15 weeks of benefits if it can be proven that it is reasonable for him or her to remain at home to care for the child. Those benefits are payable in the 17-week period following the placement of the child. Of the total number of women absent from the work force due to childbirth in 1985, 71.2% received maternity benefits under the Act.

84. In October 1986, the government introduced Bill C-15, An Act to amend the Criminal Code and the Canada Evidence Act, dealing with the sexual abuse of children. If adopted, outdated offences dealing with the sexual abuse of children would be replaced by new offences protecting girls and boys from sexual interference and sexual exploitation. The rules of evidence would be amended to enable more children to testify. In June 1986, the Minister of National Health and Welfare announced the establishment of a Secretariat on Child Sexual Abuse to co-ordinate social and educational initiatives to combat the sexual abuse of children.

85. With respect to the treatment of female offenders, the Ministry of the Solicitor General has improved the facility, programs and services available at the Prison for Women to enhance the offenders' rehabilitative potential while incarcerated and ensure their positive and productive return to their families

and society. Exchange of Services Agreements have been used extensively to enable more women to serve their sentences in provincial institutions closer to their homes. A Women in Conflict with the Law Program has been instituted, which emphasizes community-based programs, Native women, and women in isolated areas. Special efforts have been made to meet the needs of inmates who are mothers, including access to a Family Visiting Unit and a video taping program which allows them to maintain contact with families in remote areas.

ARTICLE 4.1: TEMPORARY SPECIAL MEASURES

86. In June 1983, the Government adopted a policy of affirmative action as a strategy for eliminating barriers in employment and ensuring the more equitable representation of women and other disadvantaged groups in the federal Public Service. Cabinet directives instruct federal departments to set numerical targets to ensure that the representation of women and other target groups can be increased by March 31, 1988. In June 1986, additional measures were announced to increase the training, apprenticeship and hiring of women in non-traditional occupations. This program replaces the Equal Opportunities for Women Program described in the first report.

87. In 1983, the Government appointed a Commission of Inquiry on Equality in Employment to examine the means of promoting equal employment opportunities and eliminating systemic discrimination. The Commission focused on 11 major government-owned corporations and four target groups: women, aboriginal people, disabled persons and visible minorities. The Commission's report was tabled in Parliament in November 1984, with recommendations affecting Crown corporations, federally regulated companies, and businesses seeking sizeable government contracts.

88. These recommendations were addressed in Bill C-62, An Act Respecting Employment Equity, adopted by Parliament in June 1986. Section 2 of the Act guarantees equality in the workplace and corrects the conditions of disadvantage in employment experienced by the four target groups. Employers under federal jurisdiction with 100 or more employees are required to eliminate systemic barriers to employment and to institute positive policies and practices designed to achieve the equitable representation of the designated groups in the work force. Employers are required to file annual reports on the representation of the designated groups in the work force. Private businesses with 100 or more employees that are seeking government contracts of $200,000 or more are covered by a Cabinet directive, the Federal Contractors Program, which requires them to certify their commitment to implement employment equity. These companies will be subject to on-site compliance reviews to ensure that commitments are being met.

89. Employment and Immigration Canada has established the Employment Equity Branch to implement these measures and to provide information and consultative services to employers who are implementing employment equity. The Canadian Human Rights Commission has an enforcement role to accept complaints from individuals and groups and to initiate complaints. Analysis will be based on existing data and that generated by the Employment Equity Act. The Treasury Board Secretariat has also established a policy requiring federal Crown corporations to implement employment equity programs within their respective organizations. These corporations are further required to submit employment equity action plans for approval by the Treasury Board.

90. The Women's Programs Centre of the Public Service Commission acts as a focal point for information on the employment of women in the federal Public Service. It helps departments to ensure equitable representation of women at middle management levels, designs and pilots training sessions and provides advice and assistance to regional affirmative action co-ordinators as requested. The Resource Centre publishes and distributes reference material on women's employment issues.

91. The Women's Career Counselling and Referral Bureau of the Public Service Commission was created in 1983 as a special measure to increase the representation of women in the senior management levels of the Public Service. It provides women middle managers with career counselling and refers those identified as having high potential for developmental assignments. The Bureau's services are directed toward achieving the target established by Treasury Board to increase the representation of women in the management category.

92. In exceptional cases, the Public Service Commission initiates Exclusion Approval Orders to provide for the direct employment of women where the normal application of the staffing process would not facilitate their appointment in sufficient numbers. This strategy has been used to appoint women as correctional officers in Canadian penitentiaries, and as ships' crew for Fisheries and Oceans Canada.

93. The Public Service Affirmative Action strategy is the responsibility of the Human Resources Division of the Treasury Board Secretariat. Departments are required to submit three-year action plans to increase the representation of target groups (women, aboriginal peoples, disabled persons and members of visible minority groups). Numerical objectives form part of the action plans for the first three groups, and are under consideration for the more recently established target group of visible minority members. In 1983, a target was set to have 476 women in the Management Category by 1988--a figure then estimated to be approximately 12% of the Category population at that date.

ARTICLE 5(a): ELIMINATION OF STEREOTYPES

1. Actions relating to the broadcast media

94. On November 8, 1984, the Canadian Radio-Television and Telecommunications Commission (CRTC) announced new radio and television regulations prohibiting the broadcast of any abusive comment or abusive pictorial representation that, when taken in context, tends or is likely to expose an individual, group or class of individuals, to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

95. On December 22, 1986, the CRTC released a policy on sex-role stereotyping in broadcasting which made a number of recommendations to both broadcasters and advertisers and outlined the course of action the Commission intended to pursue over the coming years. The Commission has found considerable progress in both attitudes of managers in broadcasting and advertising and in their commitment to eliminate sex-role stereotyping. However, in the actual programming and commercials broadcast, the CRTC concluded that industry self-regulation has not worked to the degree that it should have. As a result, the CRTC's policy will impose the Canadian Association of Broadcasters' revised Code on Sex-Role Stereotyping as a condition of licence for the private broadcasting industry.

96. The House of Commons Standing Committee on Communications and Culture studied and reported on abusive broadcasting, including sexual stereotypes and pornographic depictions. A proposal to amend section 3 of the Broadcasting Act to require that the programming provided by the Canadian broadcasting system should respect and promote the equality and dignity of all individuals, groups or classes of individuals regardless of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability, has been submitted to Parliament.

97. The Canadian Broadcasting Corporation, Canada's publicly owned broadcast network, monitors its program content for sex-role stereotyping. The latest assessment was issued in early 1984 and shows that, on the whole, women are persistently under-represented in radio, television and advertising. Men and women are still predominantly portrayed as having traditional 'male' and 'female' jobs. The women portrayed appear to be younger than the men portrayed and more details are provided about the marital status of the female characters than that of the male characters.

2. Other measures

98. In 1985, Status of Women Canada reviewed the implementation of the Government's administrative guidelines on the elimination of sexual stereotyping in government communications. The review showed that all departments had made efforts to adhere to the spirit of the guidelines and to portray women as active and equal participants in a variety of roles.

99. Examples of stereotyping were found in materials produced prior to 1982 and which were still in use. Departments were therefore directed to review all their external communications materials produced before 1982 and remove or modify those containing stereotyping. A review of internal communications is now under way.

100. Efforts have been made to address the problem of sexist language in written communications which results from the structure of the English and French languages or from the traditional use of certain expressions. Some departments have issued internal guidelines. The Department of the Secretary of State has undertaken to prepare a unified guide for the French language for use by all departments.

101. In the last few years there has been an increasing concern in Canada that the depiction of women in the media may reinforce particular stereotypes with respect to their sexuality. In order to assess how to deal with the issues of pornography and prostitution, the Minister of Justice appointed, in 1983, a Special Committee to examine current legal provisions. After consultations with the public, the committee released its report in April 1985.

102. On June 10, 1986, the Minister of Justice introduced Bill C-114 in the House of Commons. It would have replaced the current obscenity laws with new provisions prohibiting all pornography involving children and pornography containing violent or degrading material, as well as placing tighter controls on other forms of sexually explicit materials and adding sex to the list of identifiable groups against which hate propaganda is prohibited. Bill C-114 died on the order paper after Parliament prorogued on August 28, 1986. The Minister of Justice has announced his intention to re-introduce legislative proposals similar to those of Bill C-114 as quickly as possible.

ARTICLE 6: EXPLOITATION OF PROSTITUTION OF WOMEN

103. Section 195.1 of the Criminal Code was revised in December 1985 to provide that persons of either sex, including customers, can be convicted of communicating or attempting to communicate in a public place for the purposes of prostitution. The government has promised to review the impact of this provision two years after its coming into force. Finally, Bill C-15, introduced in October 1986, would, if adopted, increase the penalties for clients, pimps and procurers of juvenile prostitutes.

ARTICLE 7: WOMEN IN POLITICS AND PUBLIC LIFE

104. The number of women in the 282 member House of Commons has increased from 16 in 1982 to 27 in 1986. Five of the 40 Cabinet Ministers are women (as of June 30, 1986). Special funds have been established by all three major federal political parties to help increase the level of participation of women in their party.

105. The Parliamentary Sub-committee on Equality Rights, referred to under Article 2 of this report, recommended that all trades and occupations in the Canadian Armed Forces, including combat roles, be open to women. The Government has agreed to vigorously pursue such a policy in a manner consistent with the requirement of the Armed Forces to be operationally effective in the interests of national security. An Armed Forces task force reported to the Chief of Defence Staff on October 1, 1986, on the ways in which this commitment could be implemented. The number of women serving in the Canadian Forces has risen from a controlled ceiling of 1,500 in 1971 to approximately 7,500 today, which represents 9% of the Regular Force. Within NATO only the United States, with 9.5%, has a higher percentage of women in the military. In 1986, approximately 7,500 additional positions in the Canadian Forces were designated as mixed-gender positions. Women now represent over 12% of current trainees.

106. Women now constitute 4.5% of the regular members of the Royal Canadian Mounted Police. It is the practice that women constables are engaged at least in proportion to their numbers on the waiting list for engagement. In 1986-87, there will be 192 women, or 24% of the total of 800 admitted as recruits for regular constables.

107. Of the 805 federally appointed judges in Canada, 51, or approximately 6.3% are women, as of January 1, 1987. Since September 1984, the Government has made 124 judicial appointments, elevations and transfers, of which 15, or 12%, involved women. The distribution of women judges in Canadian courts is provided in table form in Part I of this report.

108. In an effort to increase the number of women judges, women lawyers and judges across Canada have been asked to recommend candidates for appointments. Although no quotas have been placed upon appointments to the bench, consideration of women candidates is usual when a vacancy arises. It is likely that the number of women judges will rise steadily through the 1980s as more women lawyers fulfil the requirement of at least 10 years' standing at the bar to be considered for a federal judicial appointment.

109. In 1984, for the first time, a woman was appointed Governor General of Canada. As of September 1986, two of the 10 provincial lieutenants-governor were women.

110. Of the 104 seats in the Senate, 13 were filled by women as of January 1987.

111. The Department of the Secretary of State operates many programs which support women's non-governmental organizations. The Women's Program, as described in Canada's first report, is the primary federal program providing financial assistance, advice and information to women's voluntary organizations and other voluntary associations at all levels for activities designed to improve the status of women in Canada. Its purpose is to promote increased participation of women in Canadian society, particularly in decision making and in the political process, and to increase the capability and effectiveness of women's organizations and groups working to improve this participation.

112. To be eligible for financial assistance, activities must meet one or more of the objectives of the Women's Program. These are to promote: increased understanding of and action on equality issues among women and the general public; the organizational development of women's groups to improve their effectiveness in increasing the participation of women in all aspects of Canadian society; and action which encourages institutions to incorporate equality issues for women in their decision-making structures, policies and programs. The Program is also responsible for administering a special endowment fund for the establishment of five regional chairs in women's studies in Canadian post-secondary institutions.

113. Through the Aboriginal Women's Program of the Native Citizens Directorate, funds were provided to enable representatives of Native women to lobby to change the discriminatory provisions of the Indian Act described above under article 2. Other projects submitted by aboriginal women have addressed such issues as constitutional concerns, socio-political and economic development, and cultural retention and appreciation.

114. The Multiculturalism Directorate provides funding to immigrant and visible minority women, as a priority. Support is provided to orientation projects involving language training for pre-employment preparation and social integration and to pro-active development projects which enable the accessing of resources to address issues which affect these women. In January 1987, a new National Organization of Immigrant and Visible Minority Women was established.

115. The Status of Disabled Persons Secretariat and the Women's Program co-sponsored a "Women with Disabilities Networking Meeting" to address the special problems of disabled women.

116. Through the Financial Assistance Program for Labour Education at Labour Canada, special courses encourage greater participation by women in union leadership and activism. The courses include elements of basic leadership training and relate to specific women's issues and relevant legislation. In 1985, over one third of the more than 100,000 workers enrolled in labour studies activities were women (women account for 32% of total union membership in Canada). The Canadian Labour Congress is Canada's largest labour federation, at 2.1 million members. In May 1986, it became the world's first labour federation to elect a woman as its president. It also requires in its constitution that six of the 26 vice-presidents be women. The Communications and Electrical Workers of Canada requires that three of its six executive members at large be women.

ARTICLE 8: WOMEN AS INTERNATIONAL REPRESENTATIVES

117. Since 1982, a total of 42 new foreign service officers have entered the Department of External Affairs. Of that number, 14 were women. In February 1987, 10 of the 120 diplomatic missions abroad had a woman as Head of Post.

118. While there has been no method of compilation of the participation of women on Canadian delegations abroad, it is probable that women are under-represented on many delegations. It is the official policy of the Canadian Government to increase the number of women on international delegations and to promote the appointment of Canadian women to senior positions in international organizations.

ARTICLE 9: NATIONALITY

119. The Citizenship Act in effect since February 15, 1977, does not discriminate against women. Therefore, no new measures are required in so far as nationality legislation is concerned. The second paragraph under article 9(2) in the initial report stated, "Either parent may apply for citizenship on behalf of a minor child born in Canada (s. 5(2)(a))". In fact, section 5(2)(a) of the Citizenship Act applies to alien minor children whether born in or outside of Canada. Either parent may apply for citizenship for their children, if one of the parents is a Canadian citizen.

ARTICLE 11.1: ELIMINATION OF DISCRIMINATION IN EMPLOYMENT

120. Employment and Immigration Canada has established seven Women's Employment Counselling Centres across Canada. These centres are designed primarily to meet the needs of women who have never worked outside the home, those who are re-entering the labour market and those seeking to change careers. Some centres serve specific groups such as Native women, immigrant women or sole-support mothers. Skill and aptitude testing, labour market information and career counselling are some of the services provided. The Women's Bureau at Labour Canada and the Worker Services Branch at Employment and Immigration Canada continue to monitor legislation and develop policies and programs relating to women in employment.

121. The statistical tables and analyses which accompany this report illustrate the current situation with respect to employment. The system of unemployment insurance benefits has been reviewed by a Commission of Inquiry which reported in late 1986. The Government's response was tabled in May 1987.

ARTICLE 11.1(b): SAME CRITERIA FOR SELECTION IN EMPLOYMENT

Part-Time Work

122. The federal government, in its report Toward Equality (see article 2), has endorsed the principles that, wherever possible, statutory benefits conferred on full-time employees should be extended to part-time employees and that such employees should be able to participate in employer-sponsored pension and insurance plans. The report also recommended that the possibility of separate bargaining for part-time employees should be explored with the bargaining agents with the objective of obtaining a benefits package more relevant to the nature

of part-time work. The implementation of these principles should have a positive effect on the condition of part-time workers, the majority of whom are women.

123. A Commission of Inquiry reported to the Minister of Labour, in April 1983, on the impact of part-time work on the lives of Canadian workers. In addition, two surveys are expected to reveal the cost of pro-rating employee benefits, the demand for benefits and the type of benefits desired. The results of the survey of employers were released in June 1986. The employees' survey was made public in January 1987. The results of the surveys and the 32 recommendations of the Commission of Inquiry will help the government determine what legislative changes are needed in the field of part-time work.

Sexual Harassment

124. In March 1985, amendments to Part III of the Canada Labour Code came into force which established an employee's right to employment free of sexual harassment. Federally regulated employers, after consultation with their employees or their employees' representatives, are required to establish a policy respecting sexual harassment and make it known to all employees. The policy must contain an in-house procedure for dealing with complaints, including disciplinary measures for offenders. In July 1983, the Canadian Human Rights Act was also amended to prohibit sexual harassment.

ARTICLE 11.1(c): FREE CHOICE OF PROFESSION

125. In 1986, the Minister of Employment and Immigration announced the Canadian Jobs Strategy which is designed to train Canadians for future needs. It is premised on the principle of employment equity and unites the efforts of the federal government, the provinces, business, labour and community groups to assist Canadians in developing marketable skills. Thus, targets have been established in relevant programs to ensure the fair participation of women.

126. One of the six basic programs which compose the Strategy, the Re-entry Component of the Job Entry program, is specifically designed to meet the needs of women entering the work force after an absence of three or more years. A participant in the program receives on-the-job and classroom training and work experience for up to 52 weeks at the work place of a local employer who has agreed to take part in the program. Participants receive a training allowance or unemployment insurance benefits, whichever is greater. They may also qualify for supplementary allowances to cover such requirements as dependent care costs, commuting, living away from home and travel assistance.

127. Employment and Immigration Canada has made persistent efforts to enable women to train for non-traditional jobs. Employment and Immigration Canada now defines non-traditional jobs for women as those in which women form 33.3% or less of the work force rather than the 10% figure that was being used when the first report was prepared. Women's participation in the Skills Training programs is being closely monitored.

128. In addition to the Canadian Jobs Strategy, Employment and Immigration Canada continues, in collaboration with provincial governments, to offer training programs at community colleges to enable women to enter non-traditional jobs.

ARTICLE 11.1(d): EQUAL PAY

129. The Canadian Human Rights Commission is responsible for the enforcement of the principle of equal pay for work of equal value, as that concept is enshrined in section 11 of the Canadian Human Rights Act. As of June 1986, approximately 4,800 federally regulated employees in female-dominated occupational groups had shared approximately $39.1 million in equalization adjustments and back pay following settlement of equal pay for work of equal value complaints. These occupational groups include home economists, occupational and physical therapists, librarians, food services, laundry services and personal services. In each instance, the settlements were derived by comparing the work of these groups with dissimilar work of equal value performed by male-dominated occupational groups for the same employer. On November 18, 1986, the Commission approved a new set of guidelines for the application of that section of the Act.

130. The Joint Union/Management Committee formed in 1985 by the President of the Treasury Board has been actively working on a detailed plan for the proactive service-wide implementation of equal pay for work of equal value within the federal public service. The Committee submitted a report to the President on March 31, 1987, regarding the future direction for the implementation of this principle across the public service.

131. In addition to the complaints and enforcement mechanisms of the Canadian Human Rights Act, section 38(2) of the Canada Labour Code enables an inspector to notify or file a complaint with the Canadian Human Rights Commission where the inspector has reasonable grounds to believe that the equal pay provision of the Canadian Human Rights Act has been breached. In June 1984, the Equal Pay Division of Labour Canada began operations. Its aim is to eliminate pay discrimination against female workers in industries falling within federal jurisdiction. Its immediate task is to ensure that educational and promotional activities relating to equal pay for work of equal value are developed. Labour Canada's field officers have undergone a training program to enable them to better promote compliance with the equal pay provisions of the Labour Code.

132. The Women's Bureau, Labour Canada, held a seminar on equal pay for work of equal value in February 1986. It brought together senior executive officers of companies under federal jurisdiction, as well as Canadian and American experts to examine some of the key issues in the implementation of this policy. A similar seminar was held in February 1987 for union representatives.

ARTICLE 11.1(e): SOCIAL BENEFITS

133. In June 1986, Parliament approved amendments to the Canada Pension Plan. In effect on January 1, 1987, these changes expand the current credit-splitting provisions to separations and the breakdown of common law unions. The changes also provide for automatic pension credit splitting between spouses on divorce, pension splitting on retirement and the continuation of survivors' benefits upon remarriage. Federal-provincial discussions are under way on the issues of retirement income for homemakers as well as a restructured survivors' benefit system under the Canada Pension Plan.

134. The 'drop-out' provision described at page 166 of the first report came into force in 1983 and is retroactive to 1978. It allows those persons receiving benefits on or after that date to eliminate child-rearing years from the

calculation of amounts earned since the beginning of the Canada Pension Plan in 1966. This results in higher average earnings and, consequently, higher benefits.

135. The Spouses Allowance Program, described at page 166 of the first report, was extended in September 1985 to include all low-income widowed individuals aged 60-64, regardless of the age of their spouse at death.

136. With respect to unemployment insurance benefits, the maximum weekly insurable earnings of $385 in 1983 have been increased to $495 in 1986. To qualify for benefits, the employee must have accumulated between 10 and 14 weeks of insurable employment, depending on regional unemployment rates. The maximum weekly benefit has been increased to $297.

ARTICLE 11.1(f): OCCUPATIONAL HEALTH AND SAFETY

137. The federal government is directly responsible for approximately 10% of the working population. Revisions to the Canada Labour Code have been passed to provide uniform protection under the Act for federally regulated enterprises, which include interprovincial and international industries, mainly in the banking, communications and transportation fields. As of March 31, 1986, Part IV of the Code applies to the Public Service of Canada. As of April 2, 1987, it also applies to all air, marine and rail workers, some of whom were previously covered under different federal legislative provisions. The amendments provide for mandatory safety and health committees in specified circumstances and greater rights to refuse dangerous work. The enforcement provisions have also been revised to ensure compliance.

ARTICLE 11: 2(a) and 2(b): PROTECTION FROM LOSS OF EMPLOYMENT OR BENEFITS ON THE BASIS OF MATERNITY

138. The changes made to the Unemployment Insurance Act and the Canadian Human Rights Act with respect to maternity and pregnancy are explained under article 2. With respect to most employees falling under federal legislative jurisdiction, maternity leave provisions of the Canada Labour Code were amended to provide:

(a) retention of a 17-week maternity leave period;

(b) an additional unpaid leave period of 24 weeks for child care responsibilities to either parent, natural or adoptive, which can be shared between parents if both are employed in federal undertakings;

(c) a reduction of the qualifying period for entitlement to such leave from 12 to six months' employment;

(d) the rights for employees to accrue pension, health and disability benefits and seniority while on such leave provided they pay any required monetary contributions;

(e) reinstatement in the former or comparable position with the same wages and benefits; and

(f) protection of employees from dismissal, suspension, layoff, demotion or discipline because of pregnancy or because they have applied for such leave.

139. Within the federal public service, 99.3% of all women employed for six months or more are entitled to receive a maternity allowance which, in combination with unemployment insurance maternity benefits, provides 93% of salary for up to 17 weeks. Sick leave with pay is available to employees who are unable to work for medical reasons related to pregnancy or childbirth provided the employee is not already on leave without pay. One day's paid leave is provided to all parents for needs related to the birth of a child.

ARTICLE 11.2(c): CHILD CARE

140. In May 1984, the Task Force on Child Care was established to assess the need for child care services and paid parental leave, and the adequacy of the current system in meeting this need. The Task Force released its report on March 7, 1986. It recommended the phasing in of a publicly funded, universally accessible system cost-shared between the federal and provincial governments.

141. A Special Parliamentary Committee on Child Care was established in November 1985 to examine and report on the changing needs of the Canadian family in today's society. It travelled across Canada soliciting public input on the issue of child care. Its terms of reference call for an examination of the requirements of children for care in parental and non-parental arrangements, as well as the preferences of parents, the role of the federal government, and its alternatives for future action. Its report was tabled in March 1987.

142. At the 1986 Annual Conference of First Ministers, the Prime Minister of Canada recognized that child care is the key that will open the door to future equality, and will help close the economic gap between men and women. He stated that the federal government's commitment to child care is a real one, and that it is prepared to allocate substantial resources as its share of this important national initiative. Federal-provincial discussions are under way for an agreement by the fall of 1987.

143. The child tax credit paid to lower income taxpayers will be substantially increased from $384 per child in 1986 to $524 in 1988. The child tax exemption, which benefits mainly higher income earners, will be reduced to equal the value of family allowances for the 1989 taxation year. Family allowances, the tax exemption, the tax credit and the qualifying threshold for the tax credit will all be increased in future years by the annual rate of inflation in excess of three percentage points. Finally, to provide timely assistance to Canadian families and to reduce the need for tax discounting, the Government proposed a system of advance payments of the child tax credit for the 1986 and subsequent tax years. Almost one million claimants will benefit from the prepayment.

144. In the April 1983 Budget, the child care expense deduction was set at a maximum of $2,000 per child under 14 years of age, with a global maximum of $8,000 per family. This deduction is granted where a single parent or both parents are employed or undertaking training. In the case of a couple, the deduction must be made by the lowest income earner.

ARTICLE 11.2(d): PROTECTION OF PREGNANT WORKERS

145. A document titled The Pregnant Worker--A Resource Document for Health Professionals was prepared by the Federal-Provincial Advisory Committee on Environmental and Occupational Health. Released in September 1986, this document is intended to assist health professionals to respond to the needs of pregnant workers.

ARTICLE 12: HEALTH CARE

146. The Committee on Reproductive Physiology issued its report on oral contraceptives in 1985. The report recommended the use of a revised package-insert text as well as a supplementary information booklet for patients considering the use of oral contraceptives. It proposed to publish an update of this report every five years. It also proposed that the Committee conduct a yearly review of current issues on this topic, for the next five years.

ARTICLE 13: WOMEN IN SOCIAL AND CULTURAL LIFE

147. The Women's Program of the Fitness and Amateur Sport Branch of the Department of National Health and Welfare continues its efforts to promote the increased participation of girls and women in all aspects of physical activity and sport. Since 1980, it has been instrumental in supporting and training women as candidates for professional leadership positions in sport and fitness organizations. The Program has produced a number of documents which serve as resources for educational and advocacy activities, including a discussion paper on integration and a publication entitled 'Women, Sport and Physical Activity: Research and Bibliography' (scheduled to be released in 1987). A Policy and Implementation Plan on Women in Sport was released in October 1986 in order to ensure equality of opportunity for girls and women in sport.

148. In the cultural area, films are often used to provide information, dispel stereotypes and promote the advancement of women. Studio D of the National Film Board of Canada (NFB) continues to enjoy an international reputation for excellence in producing films with a women's perspective. Studio D and various departments also participate in the Federal Women's Film Program. Since 1982, many films on a variety of important women's issues have been produced. The NFB will implement, starting in 1987, an employment equity program designed to increase the participation of women in Canadian film production and ensure that women achieve parity with men in all NFB staff and contract positions by 1996.

ARTICLE 14: RURAL WOMEN

149. The Prairie Grain Advance Payments Act was amended on May 18, 1984, to allow husband and wife partnerships to qualify for maximum benefits in the same way as other types of partnerships.

150. Since 1982, the Agricultural Stabilization Board has provided price supports for certain commodities to husband-wife partnerships in the same way as other family or non-family partnerships, upon proof of independent support or investment.

151. Agriculture Canada is instituting a policy of consulting farm women's groups in addition to consulting with general farm organizations. For example, the Family Farm Forum initiative announced in November 1985 represents the first systematic consultation with farm women on the same basis as farm men.

152. Financial assistance for projects sponsored by farm women's groups has also been regularized under the Production Development Assistance Initiative. Departmental information releases and research reports are now automatically distributed to farm women's groups and their leaders.

153. With respect to aboriginal women, the new Health Careers Program at the Department of National Health and Welfare attempts to increase the number of

Inuit and Indian students entering and graduating from health science programs as a means of enabling the Indian and Inuit people to assume greater responsibility for the planning and delivery of their own health care programs.

ARTICLE 16: WOMEN AND THE FAMILY

154. Since the preparation of Canada's first report, Parliament has enacted a new Divorce Act which came into effect June 1, 1986, and repealed the previous law. Under the new Act, the sole ground for divorce is marital breakdown which is evidenced by actions of adultery, cruelty or a one-year separation. The Act sets out certain objectives to guide the court in making support awards, which include the recognition of any economic advantages or disadvantages of the marriage or the breakdown; the sharing of any financial consequences of caring for children; the relief of any economic hardship; and, as far as practicable, the promotion of self-sufficiency of each spouse within a reasonable time. Spouses are encouraged to mediate as many points of contention as possible. In making custody awards, the paramount consideration is the best interests of the children, with no presumption of custody to either spouse.

155. Recognizing that the enforcement of maintenance and custody orders is often a problem, Parliament enacted the Garnishment and Pension Diversion Act. This Act now makes it possible to garnish the wages and superannuation of a public servant to enforce a support award.

156. The Family Orders and Agreements Enforcement Assistance Act, adopted in February 1986, will allow access to federal information banks to trace a missing spouse or child, and the garnishment of non-wage federal payments, such as tax refunds, to enforce support orders. In addition, Canada ratified the Hague Convention on the Civil Aspects of Child Abduction in 1983. As of January 1987, all of the 10 provinces and one of the two territories had incorporated the provisions of the Convention into their domestic law.

157. Since 1980, Status of Women Canada has chaired an interdepartmental committee on wife battering which covers the areas of health and social services, shelter, financial assistance, Native communities, public education, criminal justice system issues and police training.

158. The following are some of the measures taken by the federal government since 1982 to reduce the occurrence and consequences of wife battering:

- new guidelines for immigration officers in dealing with the breakdown of sponsorship in cases involving physical abuse;
- a policy announced by the Royal Canadian Mounted Police in 1984, which instructs members to lay charges in all cases of spousal assault;
- a review of the justice system's response in the Yukon and Northwest Territories;
- compilation of resource material and support for battered women, distributed by the National Clearinghouse on Family Violence at Health and Welfare Canada; and
- co-sponsoring by federal departments of a film series on services for battered women, produced by Studio D of the National Film Board.

2. PROVINCIAL GOVERNMENTS

ALBERTA

ARTICLE 3: APPROPRIATE MEASURES

Government Machinery--Alberta Women's Secretariat

159. The Alberta Women's Secretariat was established April 1, 1984, to assist the Government of Alberta to better respond to the wide range of women's issues. The Secretariat is to promote the full and equal participation of Alberta women in the life of the Province. The Executive Director of the Secretariat reports directly to the Minister Responsible for the Status of Women.

160. The Women's Secretariat is divided into two divisions: 1) Policy and Research; and 2) Education and Communications. The Women's Bureau (1966-1984) became the Education and Communications Division of the Women's Secretariat. The Secretariat has a staff of nine employees.

161. As the central co-ordinating mechanism for women's issues within the Government, the Women's Secretariat provides a focal point for identifying and analysing government policies, programs, and legislation which impact on women. The Secretariat is responsible for recommending policy and providing advice to the Minister Responsible for the Status of Women. The Secretariat maintains liaison with other departments to ensure that women's concerns are reflected in policy and program development. The Secretariat also represents Alberta at intergovernmental meetings and conferences and on intergovernmental and federal-provincial committees.

162. The Secretariat collects data and conducts research on women's issues, and promotes public awareness by: providing printed information on a variety of topics of interest to women, such as matrimonial law, labour law, wills and estates; referring women with specific problems to the appropriate agency; maintaining a resource library which is accessible to the public; and liaising with women, women's groups and the public on matters affecting women.

163. In July of 1985, the Government of Alberta committed itself to the establishment of a women's advisory council. Enabling legislation has been tabled in the Alberta Legislature.

ARTICLE 10: EDUCATION

164. The Government of Alberta, through the Department of Advanced Education, funds and/or operates a comprehensive network of post-secondary institutions, comprising public universities (degree programs), public colleges (diploma/certificate*), public technical institutes, and public vocational programs (academic upgrading and basic education programs). Funding to the post-secondary system is high, and the system is developed and articulated to the point where all eligible and interested Albertans should have access to an appropriate post-secondary program. As well, a comprehensive program of student assistance is available, with special assistance offered to single women with dependent

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* Legislation passed in 1984 allows certain private colleges, meeting certain standards, to grant undergraduate degrees in designated areas.

children. Additional or special scholarships are offered exclusively to women within the student award system.

165. In Alberta, the participation of women within the post-secondary system is high; male and female registrants/students are treated equally. Particularly noteworthy is the fact that, in Alberta, women are enrolling in increasing numbers in education/training programs leading to non-traditional occupations (Tables I and II). As well, each year, women are becoming more heavily represented in faculty positions at the various institutions.

TABLE I NORTHERN ALBERTA INSTITUTE OF TECHNOLOGY AND SOUTHERN ALBERTA INSTITUTE OF TECHNOLOGY NUMBER OF GRADUATES IN SELECTED FIELDS OF STUDY BY SEX

	Engineering	Business & Computing	Service Technologies	Health Sciences	Total Graduates By Sex* %	Total Graduates*
1974-75 M	948	359	214	68	1,873	2,815
F	30	309	52	420	942 (33.5)	
1977-78 M	1,190	234	227	69	1,996	3,093
F	97	327	99	423	1,097 (35.5)	
1980-81 M	1,361	308	219	63	2,247	3,630
F	140	530	123	426	1,383 (38.1)	
1983-84 M	1,601	338	324	108	2,656	4,216
F	197	607	152	450	1,560 (37)	

* Graduates in Applied Arts and Life Sciences are included in the Total Graduate by Sex and Total Graduates columns.

TABLE II MALE/FEMALE BREAKDOWN BY PROGRAM TYPE FOR ALBERTA VOCATIONAL CENTRE SECTOR 1985-86

PROGRAM	FEMALE %	MALE	TOTAL
ABE/ESL*	5,041 (51.8)	4,685	9,726
Business	917 (95.7)	41	958
Health	627 (90.6)	65	692
Industrial/Trades	176 (19.5)	727	903
Social Services	222 (81.3)	51	273
TOTAL:	6,983 (55.6)	5,569	12,552

* Adult Basic Education/English as a Second Language

ARTICLE 10(a)

166. In Alberta, there is equal formal access to educational programs for both men and women. Each has an opportunity to participate equally and the achievement of diplomas in educational establishments is not hindered by gender. This equality is extended throughout Alberta, whether in an urban or a rural setting.

167. The Government of Alberta, through the Department of Education, realizes that schools play a large role in vocational guidance. For this reason, Alberta Education has taken steps to promote more realistic career planning by female students. The manual entitled Career Development Services for Alberta Students (October 1984) sets out policies, guidelines and procedures. The Department acknowledges the specific needs of girls, particularly as regards the necessity of helping them to broaden their horizons to counteract the effect of sex-role stereotyping. The Department hopes that the various school and family authorities will take measures appropriate to these requirements.

168. One of the many initiatives recently undertaken by Alberta Education is that of reviewing Secondary Education Programs. As part of this review, a curriculum is now being developed which will result in a core (compulsory) course at the senior high level called "Career and Life Management" which is aimed at specialized groups of students, i.e., women, men, to prepare them for life skills, handling of personal finances, and choices in occupation.

ARTICLE 10(b)

169. As with access to educational programs and vocational guidance, there is no discrimination with respect to curriculum. Women have equal access to the same curricula and examinations, school premises, and equipment. Although this is the case, there appears to be a pattern with respect to some aspects of the curriculum. Fewer women are involved in the science and mathematics programs at the high school level. This, perhaps, could be attributed, to some degree, to the fact that these are generally male-oriented programs often taught by male teachers. This has an impact on women who may later seek a vocation which emphasizes expertise in this area.

170. During the 1981-82, 1982-83 and 1983-84 school years, 58% of all teachers in Alberta were women; during 1984-85, 59% were women; and during the 1985-86 school year, 60% were women. In 1986, 34% of Alberta school trustees were women. There is no discrimination with respect to salary of teachers. Wages are determined through free collective bargaining between school boards and the Alberta Teachers Association. Resulting pay grids distinguish salary levels solely on the basis of experience and education.

ARTICLE 10(c)

171. Alberta Education conducted a Tolerance and Understanding Audit in 1983-84. As part of this study, all approved curriculum guides and supporting publications and all approved learning resources were reviewed for tolerance and understanding. The study and audit specified that all curriculum materials must recognize the contributions of both sexes to society, portray men and women in ways which reflect the society of their time, exercise fairness in language and

portray career choices for both boys and girls that reflect the variety of options available in contemporary society. As a result, any learning resource designated unacceptable was withdrawn, and those designated problematic were modified.

172. Curriculum development has reflected the attitude outlined above. The curriculum has now become sensitive to stereotyping, both for males and females. By offering a broader perspective in the curriculum, it is hoped that students will make more informed choices about future vocations and lifestyles.

173. Women who are members of a minority often face discrimination on a wider scale than their male counterparts. As a result of the Tolerance and Understanding Study, Alberta Education has begun to develop a policy on Native Education. The purpose of this project is to develop a Native Education Policy as a foundation for improving the delivery of quality education to Native students and their communities. Thus, Native women will now be in a position to obtain relevant education, which will keep within the four corners of the Tolerance and Understanding Study.

174. Currently, there is no specific programming for Women's Studies. However, as part of the Social Studies curriculum, a focus on women in history is often included.

ARTICLE 10(f)

175. Under the present School Act, all students must attend school between the ages of six and 16. Thus, the drop-out rate of both males and females before the age of 16 is, relatively speaking, minimal.

176. Statistics with respect to literacy and school attendance are not available beyond 1981. It appears, however, that there is a growing tendency for females to return to school part time (Census, 1981).

ARTICLE 10(g)

177. All pupils are required to take physical education programs from grades 1 to 10, inclusive. Girls and boys participate in a range of activities offered by the school in the physical education program without bias unless social mores prevent this, e.g., wrestling. A number of schools in Alberta offer co-educational physical education. As well, there is equal opportunity for both sexes to participate in interschool athletics. There are fewer females than males involved in physical education in grades 11 and 12.

ARTICLE 10(h)

178. Alberta Education is introducing a program into the senior high level called "Career and Life Management". It is not the intention of this course, however, to teach topics such as family planning. A family planning option is provided within a revised health curriculum which is utilized at the discretion of school boards and parents.

ARTICLE 11: EMPLOYMENT

ARTICLE 11.1(c)

179. The Women's Program of the Personnel Administration Office was established in 1977 to assist women in achieving their full career potential in the Alberta Public Service. Since 1982, several new initiatives have been advanced.

180. A resource centre has been established to provide current literature, audio-visual and other informational material of relevance to women.

181. New training programs have been developed, including Interpersonal and Organizational Skills for Clerical and Secretarial Staff, Women Entering a Management Role, Women Entering a Supervisory Role, Career Planning Process, the Supervisor in the Automating Office, and The Forum: A Series of Topical Interest for Women in Management.

182. In order to carry forward the activities of the Women's Program, line co-ordinators have been appointed in each department by the respective deputy ministers.

183. An information series on topics relevant to women in the work force has been developed for new employees as well as a calendar outlining all the services offered.

184. Finally, a project is in progress to determine career paths available within the Public Service and to provide job-related information to assist women in making career-related choices.

ARTICLE 11.2(a)

185. On June 5, 1985, the Individual's Rights Protection Act (R.S.A. 1980, c.I-2) was amended in several significant ways to provide a broader protection. Pregnant women are now protected against dismissal from their job and against terms and conditions of employment which would discriminate against them "by reason only of pregnancy".

ARTICLE 11.2(b)

186. On June 5, 1985, the Employment Standards Act (R.S.A. 1980, c. E-10.1) was amended to provide eligible employed pregnant women with 18 weeks of unpaid leave, distributed as required by circumstance of pregnancy and employment. The amendments extended maternity coverage to all female employees in the province where there is a true employer-employee relationship in existence.

187. On November 20, 1985, the Government of Alberta signed a new collective agreement with its employees which includes an extended maternity leave provision. Eligible employees may now receive up to nine months of unpaid maternity leave.

ARTICLE 12: HEALTH RIGHTS

188. The Government of Alberta, through the Department of Social Services and Community Health, provides funding to community-based organizations (health units) which are responsible for developing and delivering health services

according to the needs and priorities identified at the local level. All health units in the Province provide information on family planning to their communities and 10 health units have family planning programs which provide consultation, education, clinical counselling and referral services.

189. During the past three years, the Department has provided assistance and support to the health units to enable them to develop and deliver better family planning services. Its efforts include the development of a manual entitled Needs Assessment in Family Planning: A Guide for Program Development, as well as a standardized information system for family planning in the province.

190. During the past three years, three new clinics have been established in Edmonton and Calgary to deal with the special family planning needs of adolescents.

ARTICLE 14: RURAL LIFE

191. The Field Services Sector, Alberta Agriculture, provides a wide range of home economics programs and educational services to rural Albertans to assist them in developing their abilities to manage the physical, economic and social well-being of their families and communities. Programs are provided in the areas of food and nutrition, family resource management, farm financial management, clothing and textiles, housing and family living, through a province-wide network of District Home Economists. Information and educational programs are delivered in a variety of ways including self-directed learning packages, print and broadcast media, individual contacts and counselling, newsletters, in-classroom work, promotional campaigns, brochures, slide-tape and film productions, workshops, seminars and courses.

192. District Home Economists provide support to organizations such as 4-H, Further Education Councils, and the Rural Education and Development Association. Also provided are program leadership and planning assistance to agricultural societies, agricultural service boards, rural women's organizations, and other community organizations. In addition, grants are provided to rural women's organizations, such as the Alberta Women's Institute and Women of Unifarm, in support of their programs for rural women. Work is undertaken with other sectors of Alberta Agriculture to develop agriculture and home economics extension programs. Rural women, especially farm women, were the prime recipients of home economics extension services. A total of 203,000 people participated in the 9,500 home economics extension courses offered from April 1, 1982 to March 31, 1985.

193. District Home Economists organize and participate as resource persons in many rural women's workshops and conferences, including the annual "Alberta Women's Week". Themes such as the economic contribution of the farm wife to the agriculture business and the role that women play in agricultural and rural communities are presented. Recent educational conferences have been aimed at increasing farm women's time and financial management skills, and in building women's self-esteem as partners in the family farm.

194. The Home Economics Branch conducts surveys, undertakes research and collects data on issues of concern to farm and rural families. In the past, the Branch completed a major study to determine the home economics educational needs of women and their preferences for methods of program and service delivery.

ARTICLE 16: MARRIAGE AND THE FAMILY

195. The Government of Alberta, through the Department of Social Services and Community Health, responded to the problem of violence against women and family violence in general by creating the Office of the Prevention of Family Violence in June 1984.

196. It is the role of this Office to provide information and consultation to government, professionals and community groups, agencies and associations. The Office also functions to:

- increase government and community awareness of the problem of violence in families;
- increase the awareness of professionals and their ability to respond to the problem;
- provide support to those involved in planning and providing resources to survivors, perpetrators, and their families; and
- promote co-operation and collaboration between service providers.

ARTICLE 16.1(c)

197. In June 1985, the Government of Alberta introduced the Maintenance Enforcement Act, S.A. 1985, c. M-0.5, which established a government agency to enforce maintenance orders in response to the large number of defaults in maintenance payments. The Maintenance Enforcement Program oversees the enforcement of all court-ordered maintenance agreements that are registered with the program. The Director of the program has the authority to obtain, from other government departments, addresses which would help in locating debtors. The Director is also empowered to attach a portion of the debtors' monthly income and to seize property. The Government by this program is attempting to see that those persons, particularly former spouses and children, who are entitled to court-ordered maintenance, receive their payments on a regular basis.

ARTICLE 16: 1(d) and 1(f)

198. In 1984, the Child Welfare Act was amended to extend the right of a putative father to apply to the court to set aside a permanent guardianship agreement and to be appointed guardian of his child where the mother has relinquished her rights as guardian.

ARTICLE 16.1(g)

199. In 1985, the Vital Statistics Act was amended to enable the child of a married mother to bear as a surname, his or her mother's surname, at the joint request of the husband and mother.

BRITISH COLUMBIA

1. Measures taken to comply with section 15 of the Canadian Charter of Rights and Freedoms

200. Bill 33, the Charter of Rights Amendment Act, was brought into force in December 1985 with some sections retroactive to April 17, 1985. This Act addresses many gender-related distinctions in a number of provincial statutes in such areas as workers' compensation, employment standards, and family law.

2. Provincial government machinery to address the status of women

201. The Women's Secretariat (formerly Women's Programs) was established in June 1982 with a mandate to co-ordinate all government initiatives relating to women's issues. The Secretariat provides a focal point for input from the community; co-ordinates the development and implementation of government programs and policies of benefit to women; ensures that the Government shows leadership in providing equal employment opportunities for women in the Public Service; represents women's issues at senior levels of Government; and generates data and conducts research.

3. Education

Vocational counselling for non-traditional careers

202. Community colleges throughout the Province of British Columbia offer courses which introduce women to non-traditional employment areas. Generally speaking, these courses are designed to: clarify individual interests and expectations; explore a variety of non-traditional occupations; assess skills and values in relation to non-traditional occupations; provide discussion on the realities of trades training; and develop life skills such as assertiveness and employment skills such as self-marketing techniques.

Financial assistance to students

203. The Government of British Columbia provides financial assistance to students under the British Columbia Student Loan Program and the Adult Basic Education Financial Assistance Program.

Female enrollment in post-secondary education

204. According to Statistics Canada, female enrollment in full-time undergraduate and graduate studies in British Columbia universities increased between 1982-83 and 1983-84 by 9.5% and 7.0%, respectively.

205. Between 1982-83 and 1983-84, full-time female enrollment in undergraduate studies increased in such traditionally male fields of study as commerce and business administration (by 15%), engineering and applied sciences (by 4%), medicine (by 9%) and pharmacy (by 13%).

206. Women still represent by far the largest percentage of full-time undergraduate students in the traditionally female fields of education, nursing, and household science.

Women's studies courses

207. In January 1985, Simon Fraser University began a Master of Arts program in women's studies. This is the only graduate-level women's studies program in British Columbia. Simon Fraser University also has a chair in women's studies.

208. Other universities and post-secondary institutions in British Columbia offer undergraduate-level programs in Women's Studies on a sessional basis. There are no compulsory women's studies courses up to the high school level, and the integration of women's studies into the curriculum is left to individual schools and teachers.

4. British Columbia Council of Human Rights

209. The British Columbia Council of Human Rights received 157 complaints under the prohibited ground of sex, representing 45% of all complaints, between September 14, 1984 and March 31, 1986.

210. The Council has handed down a number of written decisions and awarded significant financial compensation to complainants in sex discrimination cases.

5. Immigrant and visible minority women and Native women

211. In addition to the general cultural impediments, the language barrier represents the single most significant obstacle to the successful adaptation of immigrant women to British Columbia. They also have concerns in such areas as access to education and training, child care, family violence, and health care. Canadian-born visible minority women are confronted with stereotypical assumptions about their place in society and discrimination based on race. They experience difficulties in accessing employment opportunities including promotion and training.

212. According to a survey of Native women conducted by the Government of British Columbia in 1985, the concerns most frequently mentioned (in addition to issues of concern to the general women's population) were: Native women's status and its impact on the Native community; the placing of Native children in non-Native homes and their subsequent loss of cultural identity; drug and alcohol abuse; low levels of education; and lack of employment opportunities.

213. The Women's Secretariat provides grants to immigrant and Native women's groups throughout the province for such activities as language training, career readiness courses, and employment orientations, among others. For example, the Kootenay Indian Area Council conducts workshops on such topics as single parenting, money management, and alcohol abuse. Further, the Secretariat is represented on an inter-ministry committee established to discuss and to address the concerns of Native people in British Columbia.

6. Job training and apprenticeships

214. The following points summarize the current status of job training for women in British Columbia:

- the British Columbia Institute of Technology, which recently merged with the Pacific Vocational Institute, is placing increased emphasis on training in highly sophisticated technologies and trades which may have increased women's access to jobs;

- the development and delivery of introductory pre-employment programs for women which emphasize skill development in the trades and technology is continuing;

- pre-apprenticeship training programs have been eliminated and replaced by self-paced modular training courses such as Training Access (TRAC); and

- the Women's Secretariat funds groups which offer skill development and pre-employment training for women.

215. The Ministry of Labour's Apprenticeship and Employment Training Branch administers and co-ordinates the delivery of apprenticeship and employment training programs. Included in its programs is the Women's Non-Traditional Employment Program (WNTEP) which provides employers with a wage subsidy up to $3 an hour. Career counselling is also provided by the Branch.

216. Women in Trades is a community-based group which provides support and education for women who are working in the trades or considering such employment. It also works with employers and trade unions to facilitate the entry of women into the workplace. The Society for Canadian Women in Science and Technology (SCWIST) is a similar group which is directed to women in scientific, technological and engineering careers.

217. There has been only a slight improvement in the representation of women employed in non-traditional trades, from 1.9% of apprentices in 1979 to 3.6% in 1985. Many women face barriers to participating in the trades including traditional attitudes, lack of counselling, and lack of role models. The Women's Secretariat has undertaken several initiatives to address a number of the barriers. A survey of women business owners in British Columbia was completed to assess the nature and scope of business activities businesswomen are involved in, to determine the problems they encounter, and to determine the contribution they make to the provincial economy and to job creation. In addition, between May 1985 and January 1986, the Women's Secretariat administered the British Columbia Mentorship Program which was designed to match young high school women and women re-entering the work force with business and professional women in a variety of career areas. A brochure was developed which encourages women to recognize the transferability of their skills and experiences to a wide range of jobs.

7. Protective measures

218. In recent years, there has been considerable interest in establishing a regulatory framework in the areas of sexual harassment and reproductive health.

219. A woman or man who is a victim of sexual harassment in the workplace can appeal to the British Columbia Council of Human Rights under section 8 of the Human Rights Act. Between September 14, 1984 and March 31, 1986, 71 such complaints were heard by the Council. Where a complaint can be substantiated under the Act, the Council may award financial compensation for wages or salary lost or expenses incurred by the person harassed, and, in addition, a payment for damages not exceeding $2,000 to complainants in sexual harassment cases. The British Columbia Council of Human Rights has produced an information guide on human rights for employers. Sexual harassment is now starting to be

addressed in collective agreements. In 1985, 18.6% of major collective agreements in British Columbia contained either a policy statement or a complaint measure.

220. Protection in the area of reproductive health has become a significant concern with respect to video display terminals (VDTs). While no conclusive connection has been proven between VDT use and problem pregnancies, 6.2% of collective agreements allow pregnant employees the right to be reassigned from their VDT work or to take a leave of absence.

8. Women's participation in the British Columbia labour force

221. The participation rate for females in the British Columbia labour force has continued to rise since 1980. In 1985, the provincial labour force comprised 824,000 males, representing 57.6% of the labour force, and 608,000 females, representing 42.5% of the labour force. By comparison, in 1980, males comprised 60.3% of the labour force and females, 39.7%. The trend of increased female participation may be related to the recent economic recession and/or to the shift in employment from resource industries to service industries.

MANITOBA

ARTICLE 2

222. In response to the coming into force of the Canadian Charter of Rights and Freedoms, Manitoba passed omnibus legislation, in the form of The Equal Rights Statute Amendment Act, S.M. 1985-1986, c. 47, prohibiting legislative discrimination in several statutes based on, in part:

- sex, specifically a) gender neutral drafting--the removal of sexist terminology from statutes; b) unequal status--the elimination of preference for father over mother in various statutes affecting the legal status of children; c) statutory benefits and obligations--equalization of rights and obligations which previously applied only to one sex; d) parental leave--recognition of the concept of equal parenting in the provision of paternity leave and adoptive leave; and

- marital status, equalizing the status of common-law and legal spouse in certain statutes.

223. In order to further ensure the practical realization of the principle of the equality of women and men embodied in the Charter, Manitoba has provided grants to the Charter of Rights Coalition (Manitoba), a coalition of Manitoba women's groups, to advise the provincial government of cases of discrimination which still exist in provincial statutes. In 1985, the Coalition published Charter Compliance--Selected Provincial Statutes, a comprehensive analysis of Manitoba statutes vis-à-vis women's equality status; the Coalition has also presented various seminars and workshops on discriminatory legislation throughout the province.

224. There has been, in the past, some uncertainty over whether The Human Rights Act, C.C.S.M. c. H175, takes priority only over those statutes enacted before it was passed or whether it has paramountcy over all statutes. The primacy of the Manitoba Human Rights Act over, at least, prior-drafted legislation, namely, The Public Schools Act, C.C.S.M. c. P250, was upheld by the Supreme Court of Canada in the case of Winnipeg School Division No. 1 v. Craton (1985).

225. Under the present Human Rights Act, discrimination on the basis of sex is prohibited, but sex is not defined. The Manitoba Human Rights Commission has adopted a broad definition of sex discrimination which includes the factors of pregnancy, gender, sex-based characteristics, and sexual harassment. Case law has established a precedent for including these factors within the prohibited ground 'sex'. This definition has been challenged in cases related to discrimination based on sex-based characteristics including pregnancy, and recent cases involving sexual harassment. In order to ensure that these forms of sex discrimination are covered, the Commission has recommended appropriate changes to Manitoba's human rights legislation.

226. There are other instances, however, where previous practice or case law has been overturned as to sex-based characteristics, e.g., Canada Safeway Ltd. v. Steel and the Human Rights Commission (1985) and as to pregnancy, e.g., Brooks, Allen and Dixon v. Canada Safeway Ltd. (Canadian Human Rights Reporter, 1986, Vol. VII).

227. The Manitoba Human Rights Commission has recognized the above and other shortcomings of the Act and, in 1984, forwarded for consideration and passage by the Legislature, a proposed revised Code.

228. In addition to protection of women against discrimination on the basis of sex, the Manitoba Human Rights Act prohibits discrimination on the basis of family status, defined in the Act as including the status of an unmarried person or parent, a widow or widower or that of a person who is divorced or separated or the status of the children, dependents, or members of the family of a person.

229. Of the 13 prohibited grounds of discrimination specified in the Manitoba Human Rights Act, i.e., race, nationality, religion, colour, sex, marital status, physical or mental handicap, age, source of income, family status, ethnic or national origin, sex discrimination was the allegation most frequently filed with the Commission in 1985, comprising 26% of all formal complaints (followed by race/colour at 23%). This figure contrasts with the 1982 breakdown in which sex discrimination was the second most frequent ground of complaint, comprising 18% of all complaints (preceded by race/colour at 19%). In 1985, 32% (31 cases) of sex discrimination complaints were allegations of sexual harassment, all of females by males; the comparable 1982 figure was 25% (37 cases). General damages awarded to complainants of sexual harassment in substantiated cases were $1,000 (1 case) in 1982 and ranged from $300 to $1,500 (4 cases) in 1985. The Commission regularly conducts workshops for employers, unions and other interested groups on sexual harassment. A brochure and a model policy for employers have been developed and are distributed upon request.

230. Manitoba's correctional legislation and accompanying regulations and policies apply equally to men and women; however, programs and services have been developed to address the special needs of women. Programs, which have been developed at the Portage la Prairie Correctional Institute for Women, include the areas of parenting, life skills and employment. An institutional infant program also exists which allows inmates to keep infants with them during their incarceration.

ARTICLE 3

231. To facilitate the full development and advancement of women, in addition to passage of the above indicated legislation, the Government of Manitoba, in 1984, established the Manitoba Women's Directorate. This Directorate replaces the former Women's Bureau, which was an employment counselling office. The mandate of the Directorate is to co-ordinate the Government of Manitoba's response on all status of women issues and to ensure that government programs, policy and legislation reflect women's concerns. The goals of the Directorate are to erase systemic discrimination against women and to attain full equality for women in all areas. Services of the Directorate include a resource and information centre, a bi-monthly newsletter dealing with women's issues which is distributed free of charge, consultation on issues of concern to women, research, development and analysis of legislation, policies and programs, and special program development.

ARTICLE 4

232. The Government of Manitoba has adopted temporary special measures aimed at accelerating de facto equality between women and men.

233. In 1983, the Province of Manitoba and the Manitoba Government Employees' Association jointly agreed on the implementation of an Affirmative Action Program for the provincial civil service. The Program is designed to redress existing discriminatory barriers and to enhance promotion and equality of treatment for women, Natives, the physically disabled and visible minorities. Long-term employment objectives have been set for all of the groups targeted. The objectives are to cover a 20-year period and include all job classifications. A target objective of 50% employment has been set with respect to women.

234. The Manitoba Human Rights Act requires that special programs designed to provide employment to women and other disadvantaged groups be approved by the Human Rights Commission. In 1983, the Commission approved 13 special programs, 25 in 1984, and 39 in 1985.

ARTICLE 5

235. The Manitoba Government, in 1984, established guidelines regarding the depiction of women in government communications. These guidelines state that language used in written communication is to be non-sexist, the assumption that male gender nouns and pronouns reflect/include women and men no longer applies, and that women are to be depicted as equal to men and as often as men in advertising, publicity and training material. Specifically, this means that women are to be depicted as capable of filling the same wide range of occupations as men rather than in strictly traditional roles, and in the percentage equal to their labour force participation rate, which is over 50% (work in the home is labour intensive); women are not to be cast as subservient to men; women should be depicted as authority figures just as often as men; women are not to be used in decorative or seductive roles; there must be equal numbers of female and male announcers to avoid the image created by commercial advertising of men generally being the only ones capable of explaining a produce or program while women are simply users or beneficiaries.

ARTICLE 6

236. In December 1985, the Municipal Government of Winnipeg, Manitoba, enacted a policy regarding enforcement of the federal government Criminal Code, section 195.1 in which both customers and prostitutes, of either gender, are to be arrested and charged for soliciting. In the three-month period following implementation of this policy, 48 prostitutes (44 women and 4 men) and 36 customers were arrested in Winnipeg. A prostitute found to be under the age of majority (under age 18) is temporarily placed in a receiving home for children in need of care.

ARTICLE 7

237. The provincial government's actions to enhance women's participation in the political and public life of the country include funding of non-governmental organizations and associations concerned with the status of women. A recent compilation of some 31 such groups, consisting of upwards of 87,485 members and 972 active volunteers, indicates that the majority receive some form of government support.

238. Further action needs to be taken by the provincial government, however, with respect to women's participation on various government boards and tribunals. For 1985, of the Manitoba Labour Board which oversees The Employment

Standards Act, C.C.S.M. c. E110, The Labour Relations Act, C.C.S.M. c. L10, The Vacations With Pay Act, C.C.S.M. c. V20, and The Payment of Wages Act, C.C.S.M. c. P15, only five (18%) of the Board members were female; none of the 18 members regulating the three construction industry boards were female; five (42%) members of the Board of the Manitoba Human Rights Commission which oversees the Manitoba Human Rights Act were female, however only one (9%) of the Adjudicators appointed by the government to hold formal hearings of unresolved human rights complaints was female.

ARTICLE 10

239. All Manitoba public schools are mixed-enrollment (female and male) schools. As at 1985, there are 715 public and special schools, and 85 private schools (of which three schools are male-only and one school is female-only enrollment).

240. Participation in primary- and secondary-level school physical education programs for both females and males is compulsory unless specifically excused. The Department of Education requirement for high school graduation is that the student take physical education in at least grades 10 and 11.

Manitoba participation rates for female students are as follows: (1985)
(Percentages of total enrollment)

Primary level	48%
Secondary level	49%
Post-secondary level	
i) Community college (adult education for career/skills training)	40%
non-traditional fields	
industrial technology	9%
apprenticeship in indentured trades, e.g., metals, mechanical, electrical	9%
ii) University degree programs	52%
full-time enrollment	46%
part-time enrollment	59%
enrollment selected disciplines:	
medicine	35%
law	43%
general arts	51%
pure science	32%
business and finance	43%
iii) University continuing education	49%
degree program	49%
non-degree program	49%

Manitoba participation rates for females as primary, secondary and post-secondary educators, administrators, and trustees are as follows:
(Percentage of total)

Primary educators (1983)	62%
Secondary educators (1983)	27%
Post-secondary educators (1983-1984)	20%
Primary/secondary administrators (1984)	19%
Post-secondary administrators (1986-1987)	31%
Primary/secondary trustees (1985)	31%

241. The Manitoba Department of Education has produced a wide variety of age-appropriate audio-visual, visual, and written resources that address issues of equality between the sexes and cover a number of subject areas. Pertinent Teacher Resource Kits of the material were also developed. An extensive review of kindergarten to Grade 12 curriculum materials used in Manitoba has been undertaken. The Curriculum Development and Implementation Branch has established a committee called Women in Science with the object of promoting greater participation of girls and women in science and mathematics. A conference on Women in Technology was held in April 1986 for approximately 1,000 students. A co-ordinator of Women's Programs at Red River Community College operates in an advocacy role in the College which also involves community liaison. The College offers two women's programs, i.e., Pre-Trades Training for Women, the purpose of which is to expose women to as many of the trades occupations as possible in order to enable them to make educated career choices in the trades area, and Employment Orientation for Women, the purpose of which is to provide women with the information, self-confidence and skills required for entering or re-entering the work force. This course also assists women who are already in the work force but are under-employed to reassess their situation regarding career choice.

242. The Post-Secondary Adult and Continuing Education Division exists to increase accessibility to post-secondary education for those individuals and groups who, due to cultural, socio-economic, geographic or other factors, have participated only marginally in post-secondary education. Major initiatives of this division include broadened access programs for women. Places have been reserved exclusively for women in community colleges in courses in which women are under-represented.

243. The Student Aid Branch administers a number of Special Opportunity Bursary Programs which provide additional/incentive awards to special area groups. Activities of the Student Services Unit of the Branch are directed mainly toward improving participation and retention in educational programs of single parents (the majority benefitting being women) as well as Native and Métis groups.

244. Of the 1981 Manitoba population aged 15 and over, 26% were illiterate, i.e., an educational level of Grade 8 or less. Women comprised 48% of the illiterate population. Under the New Initiatives' Program, community-based volunteer tutoring projects have been organized to provide literacy programs in several communities through school divisions, community colleges, tribal and band councils, and local groups. Beginning in 1984, the Immigration and Settlement Branch has implemented a Parent and Pre-school English as a Second Language (ESL)/Literacy Program which offers part-time English literacy to housebound immigrants. The Program is aimed at unemployed immigrant women who are isolated in the home and have difficulty obtaining access to regular ESL training.

ARTICLE 11

245. In 1985, the Manitoba Government Employees' Association (union) created a Women's Committee whose objective is to work towards increased participation of women in the Association and the labour movement, and to assist women in their struggle to obtain employment equality.

246. Measures taken by the Government of Manitoba to eliminate discrimination against women in the field of employment include the following legislative implementations or amendments. The Pay Equity Act, C.C.S.M. c. P13,

establishes a plan for implementing pay equity in the public sector, with compensation based primarily on the relative value of work performed, regardless of gender. The affected employers must apply a single gender-neutral job evaluation system to female-dominated and male-dominated (70% or more of one gender) classes of employees in order to compare the value of the work performed by those classes. The Act required the Civil Service to begin implementing pay equity not later than October 1985, and established a pay equity bureau to monitor overall compliance with the legislation. This Act is designed to overcome the under-evaluation of jobs performed by women. The Employment Standards Act, C.C.S.M., c. E110, and The Vacations With Pay Act, C.C.S.M., c. V20, now include domestics within their jurisdiction. The Employment Standards Act now includes provisions for paternity (six weeks) and adoptive (17 weeks) leave. The Pension Benefits Act, C.C.S.M., c. P32, now states that pension plans to which the Act applies must state that the pension benefits payable to a married plan member will be in the form of a joint pension and may be divided equally between spouses at separation or divorce. The Act also gives a common-law spouse the same rights as a married spouse in certain situations. The portability of pension plans is now such that, upon five years' contribution to the pension plan, spouses at separation, divorce or death, or employees who leave their employ, may transfer the pension plan value to a locked-in Registered Retirement Savings Plan or other registered plan. The amended Act now prohibits sex discrimination in pension plan rates, options or benefits. Prior to this reform, women received lower pension benefits than men because benefits were calculated by using actuarial tables which differentiated between the sexes on the basis of mortality rates. The Civil Service Act, C.C.S.M., c. C110, now entitles pregnant employees to maternity leave after nine rather than the previous 12 continuous months of employment. The Community Child Day Care Standards Act, C.C.S.M., c. C158, now sets out mechanisms for government funding, licensing, physical and program standards of day care facilities and for educational/training requirements of staff. Since 1982, 1,750 additional day care spaces have been created, for a total of 9,318 provincially funded day care spaces in 1985.

247. A hearing in the matter of The Workplace Safety and Health Act, C.C.S.M., c. W210, in Ashcroft v. Swan Valley Division No. 35 (1983) determined that a) there was no distinction between a pregnant worker and her fetus, and that the protection conferred by the Act to the pregnant worker would include her fetus; and b) that the pregnant employee had the right to refuse to continue to work in a circumstance which might pose a danger to her pregnancy. The Manitoba Environment and Workplace Safety and Health Department has issued a policy recommending relocation of pregnant operators from video display terminals.

ARTICLE 12

248. The Government of Manitoba has implemented a province-wide Reproductive Health Promotion Program. This program provides public and health professional education on reproductive health issues, and has increased accessibility to available services for women and their families. The target groups and goals of the program include: parents--to assist parents in providing appropriate guidance to their children relative to sexual development and behaviour; youth--to assist them in informed decision making about sexuality, parenthood, and prevention of untimely pregnancy; women and men in their reproductive years--to provide information about preconceptual factors which affect the health potential of offspring and to assist them in the planning of pregnancy.

249. Human and printed/visual resources in support of reproductive and perinatal health have been developed and are used in programs delivered by health, education and human services professionals, e.g., pre-natal education, infant nutrition, parent education, risks of adolescent pregnancy, lifestyle factors influencing perinatal health, and individual responsibility for health promotive behaviours. Outreach programs are in place for urban women in family planning and pre-natal care.

250. Planning is under way for province-wide promotion and support of breast-feeding, increased outreach programs in reproductive perinatal health to rural communities, development of resources for urban ethnic minorities, with input and involvement of these groups, increased accessibility to family planning services, and a cervical cancer screening program.

ARTICLE 13

251. Lending institutions, e.g., credit unions and other non-federally regulated financial institutions, are prohibited by the Manitoba Human Rights Act from discriminating against women in the provision of their service. There were no such complaints alleging denial or discrimination by lending institutions because of sex (female) and/or marital status filed with the Manitoba Human Rights Commission for the period 1983-1985. However, two such complaints were filed in early 1986. The Manitoba Advisory Council on the Status of Women provided a report to the Government entitled Some Concerns of Rural and Farm Women (1984), which indicated that, although Human Rights Act complaints may not frequently be filed, discrimination of this nature does occur. The report states:

> Women were frequently annoyed to find that certain farm credit and bank loan applications were addressed to men. Some forms require information about sons and ignore daughters in the family. Even where it was the women's savings from off-farm income that would be used for collateral, the loans officer made it clear the loan would be negotiated with the husband, not the wife (page 7).

252. The Government of Manitoba continues to support women's participation in sport, recreation and culture. Since 1983, the Government has funded, among other programs, the Canadian Women's Music and Cultural Festival, Manitoba Artists for Women's Art (a mentor program pairing emerging and established artists), the Manitoba Arts Council (a program for minority and rural artists), the 1988 International Festival of Women and the Arts. The Department of Recreation, Culture and Heritage is presently reviewing its programs in context with client age, sex, economic standing and ethnic backgrounds, and is attempting to identify programs where there is an imbalance of participation and benefit. Programs utilized primarily by women include the Skills Program for Management Volunteers (providing training in long- and short-term planning, financial and time management, and marketing), Youth Take the Lead in Training, Play Leadership Training, and Training for Trainers.

ARTICLE 14

253. Manitoba Government media information and publications have been expanded to include rural women's issues. The Manitoba Women's Directorate has a toll-free line for the use of rural women to enhance access to Government and

resources. The Government has initiated seminars, workshops and conferences in rural Manitoba on issues of concern to rural women and has sponsored rural women to attend such meetings as the 2nd National Farm Women's Conference in Prince Edward Island in 1985. The Department of Agriculture provides an annual grant to the Manitoba Women's Institute, an organization of about 1,700 members who assess and make recommendations on behalf of rural women. The Manitoba Advisory Council on the Status of Women, after consultation with rural women, presented the Government with a report entitled Some Concerns of Rural and Farm Women (1984) outlining priorities for future government action. Of the new child care spaces provided by the Government in 1985, 40% of pre-school child care and 45% of family day-care spaces were allocated to rural and northern areas. The Government's Home Economics Program staff of 17 field home economists assist persons requiring crisis intervention, nutritional and financial counselling. Farm families are a major target group of the Program. The Reproductive Health Promotion Program has placed particular emphasis on the training of specialists for rural Manitoba, the development of a mobile well-woman service, and the establishment of school-based adolescent health clinics. Government programs to assist rural victims of abuse include rural shelters and counselling programs for battered women and their children, the waiving of crisis shelter fees for women ineligible for social assistance but unable to pay the fees, counselling programs for batterers, and a province-wide toll-free crisis line. Government rural-employment initiatives include an attempt to recruit 50% female long- and short-term employment for the construction and operation of the northern Manitoba hydro-electric Limestone Generating Station. Northern Natives, women and men, will be given hiring priority over other applicants for the, at peak, 1,800 on-site employment positions.

ARTICLE 15

254. To ensure women equality with men before the law, the Government has implemented or amended the following legislation:

255. The Equality of Status Act, C.C.S.M., c. E130, abolishes certain archaic common-law and statutory actions relating to the relationships between husband and wife. The Act abolishes the rights that a spouse had at common law to bring certain actions for monetary damages where there had been an intentional interference with the relationship between a husband and wife. The causes of action that are abolished were commonly grouped together under the heading of "actions for alienation of affection". The Act provides that no action shall be brought for criminal conversation, for enticement or harbouring of a spouse, or for loss of consortium of a spouse. The Act also abolishes the right to bring an action for damages arising from adultery, or an action for restitution of conjugal rights.

256. The Domicile and Habitual Residence Act, C.C.S.M., c. D96, abolishes the common law respecting domiciles and states that a married woman can now acquire a domicile that is independent of her husband and that the domicile of children will be that of the parent with whom they normally reside.

ARTICLE 16

257. Changes by the Government, in 1983, to the family law legislation include, among others:

258. The Family Maintenance Act, C.C.S.M., c. F20. Distinctions that previously existed between legitimate and illegitimate children are abolished and illegitimate children have the same rights as legitimate children with respect to maintenance and inheritance. The Act now sets out certain circumstances in which it is reasonable to presume that a man is the father of a child. Once it is determined that a man is the father of a child, he has the obligation to pay maintenance for his child. A non-custodial parent retains the same rights as a custodial parent to receive school, medical, psychological, dental and other reports affecting the child. This amendment is intended to guarantee non-custodial parents the right to be involved in the lives of their children. The Act now provides that a common-law spouse has a right to apply for maintenance and other relief under the Act where there is no child of the union, but where there has been a continued co-habitation for a period of not less than five years and the relationship was one in which the applicant had been substantially dependent upon the other person for support.

259. The Child Welfare Act, C.C.S.M., c. C80. Changes to the Act ensure that once a voluntary surrender of guardianship has been agreed to, a child shall not be placed for adoption until the expiration of at least two days after the execution of the agreement. This will give the mother time to rethink her decision and give her an opportunity to withdraw the agreement.

260. The Act also provides that no child shall be placed for adoption following a surrender of guardianship by the mother, where an application for a Declaration of Parentage has been sought or an order declaring that a person is the father has been granted. This new provision recognizes the rights of putative fathers to object to an adoption of their child as a result of a voluntary surrender by the mother.

261. The Vital Statistics Act, C.C.S.M., c. V60. The new legislation provides a choice for parents to use either the surname of the mother or the father or a hyphenated combination of both surnames when registering a birth.

262. The Change of Name Act, C.C.S.M., c. C50. The Act now states that a separated person applying for a change of name is no longer required to notify her or his spouse of the application, but rather, need only provide an affidavit confirming the separation.

263. The Marital Property Act, C.C.S.M., c. M45. The rights under pension plans, annuity policies and life or accident and sickness insurance policies are now defined as family assets. Previously, such rights were defined as commercial assets, resulting in the courts having a wide discretion to depart from the principle of equal sharing when such assets were to be divided. The new definition now gives the courts a more narrow discretion to vary the equal division of these assets. The Act now provides that spouses have a right, upon application, to an accounting of assets. This amendment gives the spouses the right to apply for an accounting at any time, even where the marriage has not broken down. The Act now provides that the court, in exercising its discretion to vary an equal division of assets shall not consider conduct, unless the conduct amounts to dissipation.

NEW BRUNSWICK

ARTICLE 2(b)

264. The New Brunswick Human Rights Act continues to prohibit discrimination on the basis of sex and marital status, among other grounds. Sex discrimination continues to comprise a substantial proportion of all formal complaints. In 1983, 23% of all complaints (36/160) were sex-based. Similarly, in 1984, 28.8% of the complaints (40/139) alleged sex discrimination. This figure rose to 36.9% in 1985 (62/168). Discrimination in employment on the basis of sex, which includes sexual harassment, was the most frequent type of sex discrimination. Over the three years, complaints were also received alleging discrimination in housing, the provision of services and publicity.

ARTICLE 2(f)

265. Section 15 of the Canadian Charter of Rights and Freedoms came into effect on April 17, 1985. Prior to that date, the Province of New Brunswick had undertaken a review of its legislation to identify provisions in possible conflict with the Charter.

266. Omnibus legislation ensuring Charter compliance has been passed by the New Brunswick Legislature in 1984, 1985 and 1986. An Act Respecting Compliance of the Laws of the Province with the Canadian Charter of Rights and Freedoms, 1985 has had the most significant impact in ensuring equality between women and men. This Act amended the Vital Statistics Act, the Change of Name Act, other relevant legislation and the common law.

267. The review process is continuing. All new legislation is screened to ensure that it complies with the Charter of Rights. As well, previously unidentified problems will be resolved as the Charter is interpreted by Canadian courts.

ARTICLE 3

268. The need for an internal government mechanism to co-ordinate policy relating to women's issues was recognized with the position of Co-ordinator, Status of Women being established in 1982. The responsibilities of this position were subsumed the following year with the creation of a larger government structure, the New Brunswick Women's Directorate. Located within the Cabinet Secretariat, the central agency responsible for government policy and planning, the Women's Directorate comprises an Assistant Deputy Minister and four professional staff positions. The Women's Directorate actively works toward improving the social and economic status of women within the province. It also plays a fundamental role in the recently established Employment Equity Program.

ARTICLE 4.1

269. Affirmative Action/Employment Equity has been acknowledged within the Province of New Brunswick as a special measure to provide women equal access to employment opportunities. The Government of New Brunswick has initiated an Employment Equity Program for women working in the Civil Service. The objective of the Program is to increase the representation of women in all areas and at all levels of employment in the New Brunswick Civil Service where there are few

or no women. Activities may include such initiatives as accelerated career development programs, bridging positions, secondments and increased training opportunities for women. The extension of the Employment Equity Program to the private sector on a voluntary basis, under the direction of the Women's Directorate, was announced in April 1987.

270. A background report prepared by the Women's Directorate entitled, Affirmative Action: A Strategy for Change was tabled in the Legislature in May 1986. The first annual report on the Employment Equity Program was tabled in June 1987. Prepared by the Women's Directorate, the report highlights progress achieved to December 31, 1986. This includes an increase in women's overall representation in Government and a 2.1% decrease in the wage gap.

ARTICLE 5(a)

271. A number of initiatives have been undertaken by the Province of New Brunswick relating to sex-role stereotyping, including the establishment of a Committee on Sex-Role Stereotyping. The Committee is formulating a policy and guidelines to assist in the elimination of stereotyping from governmental communications.

272. In 1985, the Government, as an employer, approved a sexual/personal harassment policy which provides a complaint procedure for individuals employed in the Public Service who feel that they have been victims of harassment. The policy is applicable to all employees, both bargaining and non-bargaining. Those employees covered by a collective agreement which provides a procedure for lodging complaints of sexual harassment would have a choice of procedures. Although sexual harassment was previously considered to be precluded by various provisions of the Human Rights Act as discrimination based on the basis of sex, in June 1987, the Act was amended to specifically prohibit sexual harassment.

273. The departments of Education and Advanced Education and Training have undertaken television advertisements, emphasizing the variety of career options available to girls and young women in an effort to counteract sex-role stereotyping.

274. In 1985, the Theatres, Cinematographs and Amusements Act was amended to permit the regulation of the video industry. Regulations may prescribe the classification and manner of display of video materials and the persons to whom video films may be made available.

ARTICLE 7(b)

275. Women have the rights, equal to those of men, to be employed in the Public Service and to be appointed to public office. Women, however, are not represented at all levels of Government on an equal basis with men. In recognition of this fact, the Province of New Brunswick endorsed its Employment Equity Strategy in 1986 as discussed under Article 4.1.

276. Women continue to be under-represented in appointments to public office. Progress has been made, however, with the appointment of two female judges to the Provincial Court in New Brunswick.

ARTICLE 7(c)

277. Women's participation in non-governmental organizations in New Brunswick cannot be directly influenced by Government. Representation of women in trade unions, professional associations and political parties remains low when compared with men. In 1985, women represented 33.4% of union membership in the province. This, however, represents a 41.6% increase in the number of unionized women between the years 1975 and 1985. For the same period, the number of unionized men increased by 4.5%.

278. The number of women's groups within the Province which address concerns relating to the status of women has increased substantially in recent years. In the spring of 1984, the Women's Network, a coalition of women's groups, was formed as an umbrella organization to co-ordinate responses to issues and concerns faced by women of the province.

ARTICLE 10

279. New Brunswick continues to provide a co-educational public school system at the elementary, intermediate and secondary school levels, ensuring that the same conditions exist for women and men. In the 1983-84 academic year, 50.5% of full- and part-time students in New Brunswick universities and 34.0% of full-time community college students were women. Although all post-secondary courses/programs are available to both young men and women, women have generally continued to enroll in studies leading to traditional female employment. Of all students enrolled in New Brunswick universities in 1983-84, 51.0% of the arts/science general students, 65.3% of the education students, 59.1% of the humanities students and 96.8% of the nursing students were women. Women constituted only 7.1% of those enrolled in the Carpentry Program and 1.9% of the Motor Vehicle Repair Program at community colleges as compared with 96.6% of those enrolled in Beauty Culture and 100% of the Legal Secretary Program. Despite this fact, the number of women pursuing education in non-traditional areas continues to rise. In 1983-84, women constituted 37.3% of commerce/business administration students, 30.7% of the law students, 14.1% of forestry students and 9.6% of engineering students in New Brunswick.

280. Several initiatives have been undertaken by the New Brunswick Department of Education to improve the status of women.

281. The Advisory Committee on Women's Education Issues was established by the Department in 1984 as a forum to identify and discuss issues within the education system of particular concern to women.

282. In 1985, the Department of Education created the position of an Affirmative Action Co-ordinator. The Co-ordinator provides expertise and liaison in the area of Affirmative Action/Employment Equity and acts as a resource for general concerns relating to the status of women.

283. In response to the Advisory Committee on Women's Education Issues and consistent with the Department's commitment to Affirmative Action/Employment Equity, a Study Bursary was announced in May 1986 under the Staff Development/Retraining Program for Female Teachers. The Study Bursary is intended to encourage women teachers to work towards a New Brunswick Principal's Certificate, enabling them to be candidates for the positions of principal or

vice-principal in elementary, intermediate and secondary schools. As of July 1986, women constituted 20.9% of principals and 23.0% of vice-principals in the province.

284. In 1985 and 1986, the Department of Education, in conjunction with the Department of Advanced Education and Training, sponsored two television advertisements aimed primarily at girls and young women. One advertisement emphasized the importance of maths and sciences as prerequisite courses for a number of career opportunities. A second advertisement illustrated a number of non-traditional career choices available to young women.

ARTICLE 11.1(d)

285. Recent amendments to the Employment Standards Act specifically provide for equal pay for equal work. The equal pay for equal work provisions are similar to those of other provincial jurisdictions. Subsection 37.1(1) reads:

> No employer shall pay an employee of one sex at a different rate of pay from that which he pays to an employee of the other sex for work that:
>
> (a) is performed in the same establishment
> (b) is substantially the same in nature
> (c) requires substantially the same skill, effort and responsibility, and
> (d) is performed under similar working conditions
>
> except where the payment is made pursuant to
>
> (e) a seniority system
> (f) a merit system
> (g) a system that measures earnings by quantity or quality of productions, or
> (h) any other system or practice that is not otherwise unlawful.

286. Equal pay provisions are also held to be included in the general anti-discrimination provisions of the Human Rights Act.

287. Two complaints within the province with respect to equal pay for equal work have received considerable public attention. One dispute, CUPE, Local 1507 and the Foyer Notre Dame de Lourdes Inc., a nursing home, concerned disparate pay for nursing aides and orderlies. The collective agreement contained an equal pay for equal work clause together with a job classification clause that permitted disputes to go to arbitration. The dispute was resolved in favour of the nursing aides.

288. The other complaint, which was laid with the Human Rights Commission, involved different rates of remuneration paid to male and female site workers at King's Landing Historical Settlement. The Board of Inquiry established to adjudicate the complaint held that the difference in wages paid to the female and male workers constituted discrimination on the basis of sex contrary to subsection 3(1) of the Human Rights Act. King's Landing Corporation was ordered to pay the difference in wages for the period of the offence and was further required to pay each complainant $100 damages for loss of dignity and self-esteem.

ARTICLE 11.1(f)

289. In November 1983, a policy came into effect for New Brunswick's Public Service employees regarding the use of video display terminals (VDTs) by pregnant employees. The policy states that every effort should be made to temporarily transfer a pregnant VDT operator to another work assignment. Where a temporary transfer cannot be made, the employee is entitled to take leave without pay until such time as normal maternity leave provisions become applicable.

ARTICLE 11.2(a)

290. Pregnancy or pregnancy-related illnesses are not specifically included as prohibited grounds of discrimination within the Human Rights Act. However, the Employment Standards Act precludes discrimination in employment on the basis of pregnancy. Section 42 states that an employer shall not dismiss, suspend or lay off an employee who is pregnant, or refuse to employ a person who is pregnant, for reasons arising from her pregnancy alone.

291. In 1984, the maternity provisions of the Employment Standards Act were amended to provide greater protection and flexibility for workers who wish to take maternity leave. Under the new subsection 44(1), where an employee reports for work upon the expiration of the period of leave, her employer shall permit her to resume work in the position she held immediately before the commencement of the leave or an equivalent position with no decrease in pay and no loss in seniority or benefits accrued up to the commencement of the leave.

292. Prior to the amendment, women had no legislative guarantee of the same or an equivalent position, nor had they any guarantee that seniority or accumulated benefits would be retained. Some employees may have had protection under specific employment policies or under collective agreements.

ARTICLE 11.2(b)

293. Under sections 42 to 44 of the Employment Standards Act, upon proper notice by the employee and upon receipt of a medical certificate confirming the pregnancy and specifying the anticipated date of delivery, an employer is required to grant a leave of absence without pay of 17 weeks or a shorter period as an employee may request.

294. New provisions give greater flexibility regarding when maternity leave may be taken. Subsection 43(3) indicates that the leave may be taken when requested by the employee, provided that the anticipated date of delivery falls within the stipulated period. Employers do have the ability to require an employee to commence maternity leave if the duties of the position cannot reasonably be performed by a pregnant woman or if the employee's work performance is materially affected by the pregnancy and alternative employment is unavailable.

295. Paid maternity leave is not required by legislation. Women are eligible for maternity benefits under the Unemployment Insurance Program (Canada) if they meet the eligibility criteria. Some women within the province are eligible for a period of paid or partially paid maternity leave under specific provisions of collective agreements.

ARTICLE 11.2(c)

296. The regulation under the Family Services Act which governs the provision of day-care services was substantially changed in 1983 to improve the quality and availability of day-care services within the province. In addition to amending the staff ratio for children of various ages, the concept of maximum group size was introduced. Three different types of day-care facilities were created: the day-care centre, which is the largest type of day-care service provider; the community day-care home; and the family day-care home, which is the smallest type of facility.

297. In December 1986, there were 93 day-care facilities operating within New Brunswick, 39 of which were commercial centres and 54 of which were non-profit in nature. These facilities provided 3,873 child care spaces. The total of 72 additional child care spaces as provided by 12 community day-care homes.

ARTICLE 15.2

298. Many of the restrictions on the legal capacity of married women were removed by An Act Respecting Compliance of the Laws of the Province with the Canadian Charter of Rights and Freedoms.

299. Under this legislation, all married persons have been accorded the legal capacity of unmarried persons. Specifically, married women have been given the capacity to act as a litigation guardian. That is, women may act in a representative capacity to initiate or defend civil actions. Married women continue to have the legal capacity to act in any representative or fiduciary capacity as enumerated in paragraph 2(f) of the Married Woman's Property Act. The amendment removes any doubts which may have existed in respect of the legal capacity of married women.

300. In addition, several common-law remedies, traditionally available to male spouses only, were abolished by the legislation. Actions for criminal conversation, damages arising from adultery, enticement, harbouring, or loss of consortium may no longer be commenced within the province.

301. To a limited extent the concept of inter-spousal tort immunity, or the inability of spouses to initiate civil action against each other during the marriage, has been abolished. Paragraph 4(3)(c) of the amending legislation provides that a person may bring an action against his or her spouse in tort where a person suffers death or bodily injury as a result of the operation of a motor vehicle by his or her spouse, and the spouse is insured under a motor vehicle liability insurance policy in respect of the operation of such vehicle. Two additional statutes were amended to permit this type of action, the Contributory Negligence Act and the Insurance Act.

302. Civil action between spouses for damages for bodily harm or death arising from assault or battery or from negligence, other than negligence in the operation of a motor vehicle, continues to be precluded by the doctrine of inter-spousal tort immunity.

ARTICLE 15.4

303. Changes to the laws relating to the determination of a married woman's domicile were enacted by paragraph 4(2)(b) of An Act Respecting Compliance of the Laws of the Province with the Canadian Charter of Rights and Freedoms, 1985. Previously, the domicile of a wife, as well as that of her minor children, was that of her husband. Under the new law, "the same rules shall be applied to determine the domicile of a married woman as are applied to determine the domicile of a married man". The Act further provides a gender-neutral procedure to determine the domicile of minor children.

ARTICLE 16.1(c)

304. In the past, the doctrine of unity of legal personality of husband and wife has led to discrimination against married women and contributed to their dependent status at common law. Attitudes have been changing regarding the rights and responsibilities between spouses. With the coming into force of section 15 of the Canadian Charter of Rights and Freedoms, and the resulting provincial compliance legislation, issues arising from that doctrine have been addressed. (See also articles 15.2, 15.4, 16.1(d) and 16.1(g).)

ARTICLE 16.1(d)

305. The Family Services Act specifically recognizes the equal rights and parental responsibilities of both the mother and the father of a child.

306. In 1985, several common-law remedies were abolished by An Act Respecting the Compliance of the Laws of the Province with the Canadian Charter of Rights and Freedoms, 1985. Actions for enticement, harbouring, seduction or loss of services of a child may no longer be commenced in the province.

307. Provisions relating to the naming of children have also been amended by the omnibus legislation. Amendments to the Vital Statistics Act have expanded the choice of a family name for children of married and unmarried mothers.

308. A child born to a married woman who has retained her own surname upon marriage may be registered in either the mother's or the father's surname, if the mother and father jointly elect. If an election is not made, the child will be registered in a hyphenated surname, composed of the family names of the parents. Parents who have the same surname must register the child by that name.

309. Similarly, an unmarried woman may, when she and the father of the child jointly request, register the birth of a child using either the father's surname or a hyphenated surname. Where a joint request is not made, the child will be registered in the mother's surname.

310. In all cases, the births of all children born to the same parents are to be registered using the same surname.

ARTICLE 16.1(e)

311. The New Brunswick Department of Health and Community Services presently has seven Reproductive Health Clinics located in municipalities within the

province. The clinics provide counselling in reproductive health matters as well as clinical examinations. Young women and teenage girls constitute the majority of individuals to whom services are provided.

312. Clinical services continue to be delivered to New Brunswick women through the insured physician services program. Birth control counselling may be provided by public health nurses as a component of their other duties. Family planning information is also offered within the province by voluntary organizations such as Planned Parenthood.

ARTICLE 16.1(g)

313. In 1985 and 1987, amendments were made to the Change of Name Act bringing the law relating to the choice of family name into compliance with the Canadian Charter of Rights and Freedoms. The legislation provides that upon marriage a husband or a wife may elect to retain his or her surname used prior to the marriage, take the surname of the other spouse or use a combined surname composed of not more than two family names. In any of the three options, the surnames to be used by the spouses are to be indicated on the marriage registration form.

314. Another amendment to the Change of Name Act permits an application by a married person to change his or her surname independently of that person's spouse or children. Under previous legislation, in such cases, a married man or woman was required to also change the surname of his or her spouse as well as any infant unmarried child. The amended Act states that the application requires the written consent of the spouse or evidence that the spouse has had notice of the proceedings. However, if the applicant has been living apart from the spouse for at least one year, consent or notice is not required.

315. Written consent of all parents continues to be required if the surname of a child is to be changed. Consent may be dispensed with if the court determines it is in the best interests of the child.

316. New change of name legislation was passed in June 1987. Upon proclamation, the Act will provide an administrative rather than a judicial procedure for individuals seeking a change of name.

ARTICLE 16.2

317. Amendments to New Brunswick's Marriage Act, assented to in 1983, corrected unequal treatment between male and female parents in relation to consenting to a child's marriage and addressed the issuing of marriage licences to persons below a specified age.

318. Currently, where a person who intends to marry is under 18 years of age, the consent of both the mother and father of the child is required. Previous to the amendment, it was necessary to obtain the consent of only the father.

319. New provisions also prohibit the issuance of a marriage licence to, or the marriage of a person under the age of 16, unless a judge of the Court of Queen's Bench, a court of superior jurisdiction, declares that the marriage is proper.

NEWFOUNDLAND

320. In working towards the obligations assumed by Newfoundland on its agreement to the ratification of the Convention on the Elimination of all Forms of Discrimination Against Women, the Government has made legislative changes, provided educational opportunity and moved in some measure to counter systemic discrimination.

321. The Province was represented at the Nairobi World Conference and the forward-looking strategies from that assembly are accepted as providing direction to additional areas that need indepth study.

322. In June 1985, the Newfoundland Legislature passed into law The Charter of Rights Amendment Act, 1985, the equality provisions of which eliminated discriminatory sections contained in provincial legislation. Further examination is directed at identifying legislation that, though not discriminatory on the surface, results in uneven treatment.

323. The Advisory Council on the Status of Women was created under provincial legislation and continues in its educational role and as an advisor to the Government. In 1985, a significant complementary development was the establishment of the Women's Policy Office which is presently headed by a woman with the rank of assistant deputy minister. The Office serves as a directorate for the Minister responsible for status of women in the province.

324. The Government continues to grapple with the practical problems of employment equity/affirmative action concerns. A task force on affirmative action was appointed, representative of a wide scope of administrative expertise. A practical result of its deliberations was the implementation of an action program designed to enhance the service. A further recommendation of the task force adopted by Government was that every alternate appointment to boards, commissions and agencies be female, until 50% representation is achieved. A classification consulting group was engaged to assist in the review and revision of the classification system in an effort to remove any gender bias which may be attributed to the system.

325. Approximately 25% of the complaints coming to the Newfoundland Human Rights Commission are related to sex discrimination. In most cases, satisfactory solutions are found without formal hearings but the incidence has highlighted the need for increased educational efforts in this area. In this regard, a Human Rights Project will be piloted in a number of Newfoundland schools this year. Though there is no specific provision for financial assistance for individuals who complain of discrimination, once an individual establishes a prima facie case of discrimination under the heads provided for in provincial legislation, the matter is pursued without cost to that individual.

326. Section 11 of the Convention brings to attention a number of problems that must be addressed and substantially solved if there is to be consensus that a satisfactory rate of remedial progress is being achieved. The Government is aware of the need for improvement and, given present resources, is moving towards remedies. In the province generally, there is a noticeable change in the increasing number of women being accepted into management positions but little change in the structuring of male and female roles in the workplace or towards a more equitable distribution of wages. A paucity of child care

facilities is a continuing problem. In 1985, the Government made available equipment grants and substantially increased start-up grants for new centres; however, it is accepted that much more needs to be done to lessen the wide gap between what is available and what is needed. Though subsidies are available for low-income parents to avail themselves of licensed child care facilities, there is still concern that the cutoff ceiling is so low that it has the effect of excluding persons with marginally higher incomes, whose circumstances indicate that they should reasonably have access to such services. The Government has made available facilities and equipment to establish a 50-space workplace day-care centre which opened in 1987 under an employee board of directors. The Cabot Institute, a post-secondary institution, is now offering a two-year diploma program to train day-care workers and has opened a day-care centre to enable women students to continue their education.

327. Domestic workers employed in private homes are excluded from payment of the standard minimum wage rate established under The Labour Standards Act, with a lower minimum wage established for them. The Labour Standards Board is currently reviewing this practice and is expected to make recommendations to Government in the near future.

328. Attitudes towards the rights of common-law spouses and their children, together with the use of family names by children and married women are becoming increasingly liberal, and a new Vital Statistics Act is being prepared to legislate on these matters.

329. The Newfoundland position on access to education is as follows:

> "It is the policy of the Department of Education that all students, both male and female, at all levels of the educational system shall have equal opportunities to take advantage of the full offerings of the school, both curricular and extra-curricular, shall receive full and unbiased encouragement to do so; and shall not be subjected to discrimination on the basis of sex."

330. Despite this equality of opportunity, the change in traditional patterns is slow. At the university level, the participation of males and females is about equal but at the community, technical and vocational post-secondary schools, female participation drops to about 35% of enrollment. The female students have made no great shift towards seeking instruction in non-traditional fields and in post-secondary training institutions the percentage so engaged is only 5%. Newfoundland has endorsed the First Ministers Conference Paper on Economic Equality for Women.

331. In the province, there is an awareness that much work needs to be done to foster educational awareness in women. This work must establish the need for increased education, information, adequate child care facilities, opportunities for upgrading and specialized skills training, concern for the problems of Native, rural, visible minority and immigrant women, increased wage remuneration and financial assistance.

332. The Government, within the limits of its resources, is fostering steady progress.

NOVA SCOTIA

ARTICLE 2

333. The Human Rights Act, S.N.S. 1969, c. 11, was amended to prohibit discrimination in housing where an individual is in receipt of income maintenance payments from any level of government or under the terms of a court order or separation agreement. Single and separated mothers constitute the largest category of complainants able to avail themselves of this new protection.

334. In 1982, there were 30 complaints of sex discrimination out of a total of 104. In 1983, there were 40 complaints out of 124; in 1984, there were 52 complaints out of 140 and in 1985, 30 complaints out of 129. Nearly 70% of these complaints were resolved through the conciliation process with settlements ranging from financial compensation (varying from $1,000 to $6,800), restoration of the job from which the person was terminated, written guarantee for the next vacancy, assurances of compliance in respect of future conduct and conducting of human rights awareness sessions.

335. In Dr. Navin Mehta v. Nova Scotia Human Rights Commission, the Supreme Court of Nova Scotia, Appeal Division, in 1985, unanimously confirmed the ruling of the Trial Division that sexual harassment is a form of sex discrimination in that it refers to conditions of employment attributable to one's sex. The Supreme Court of Canada refused Dr. Mehta leave to appeal. After the disposition of preliminary legal objections, the Board of Inquiry conducted a hearing and held that the complaint of sexual harassment had been substantiated. Dr. Mehta has now filed an appeal against the decision of the Board of Inquiry.

ARTICLE 3

336. During the period under review, the Interdepartmental Committee (IDC) on the Status of Women published Women in Nova Scotia: A Provincial Plan of Action. The IDC was largely instrumental for the promulgation of a provincial government policy on sexual harassment. The revised mandate of the IDC enables it to make recommendations on: matters dealing with or affecting the status of women emanating from federal, provincial and municipal government; existing or proposed legislation affecting the status of women; existing or proposed government policy and practices affecting women; composition of the Committee; and matters referred by the Minister Responsible for the Status of Women. Every Government department and agency is represented on the IDC.

337. There are 14 members on the Advisory Council on the Status of Women appointed by the Minister Responsible for the Status of Women. The staff of the Council includes an administrator, two secretaries and two part-time support staff.

338. The second edition of Understanding the Law - A Guide for Women in Nova Scotia was printed in 1985. This publication, funded by the Law Foundation of Nova Scotia, was widely distributed in the province. It is available in French also.

ARTICLE 4

339. Since the last report, the Human Rights Commission has entered into seven new agreements with employers in the private sector to accelerate equality in

employment for groups hereto denied equality. The protected groups include women in addition to visible minorities and the handicapped.

ARTICLE 5

340. The Nova Scotia Department of Education established a working group called the Family Life Task Force to review all the existing courses of instruction in the secondary school system dealing with issues of health, home economics, sex education, etc. The Task Force has completed its deliberations and has compiled an outline of the curriculum that should be taught to all students commencing at the junior high level, irrespective of sex. This outline has been approved by the Department of Education and has been implemented.

ARTICLE 10

341. Men and women are entitled to equal access in the field of education under the Education Act as well as the Human Rights Act.

342. The retention rate, i.e., students who continue up to Grade 12, has been higher for female students than male students during the period under review. The rate for males in 1983 was 64.1%, for females 75.7%. This rate rose to 66.8% and 67.1% for males in 1984 and 1985 and to 77.8% and 79.4% for females in those years.

343. Between 1977-78 and 1983-84, there has been only a marginal increase in the percentage of women entering university for undergraduate studies (46.5% in 1977-78 and 48.3% in 1983-84) or graduate studies (32.3% in 1977-78 and 33.8% in 1983-84).

344. During the period under review, the number of women entering professional schools remained generally static at about one third of the total enrollment. An exception to this rule was the School of Dentistry. In 1981, only six of the 32 students admitted were women. This figure increased steadily thereafter and for the academic year commencing September 1986, 18 out of 32 students selected for admission were women.

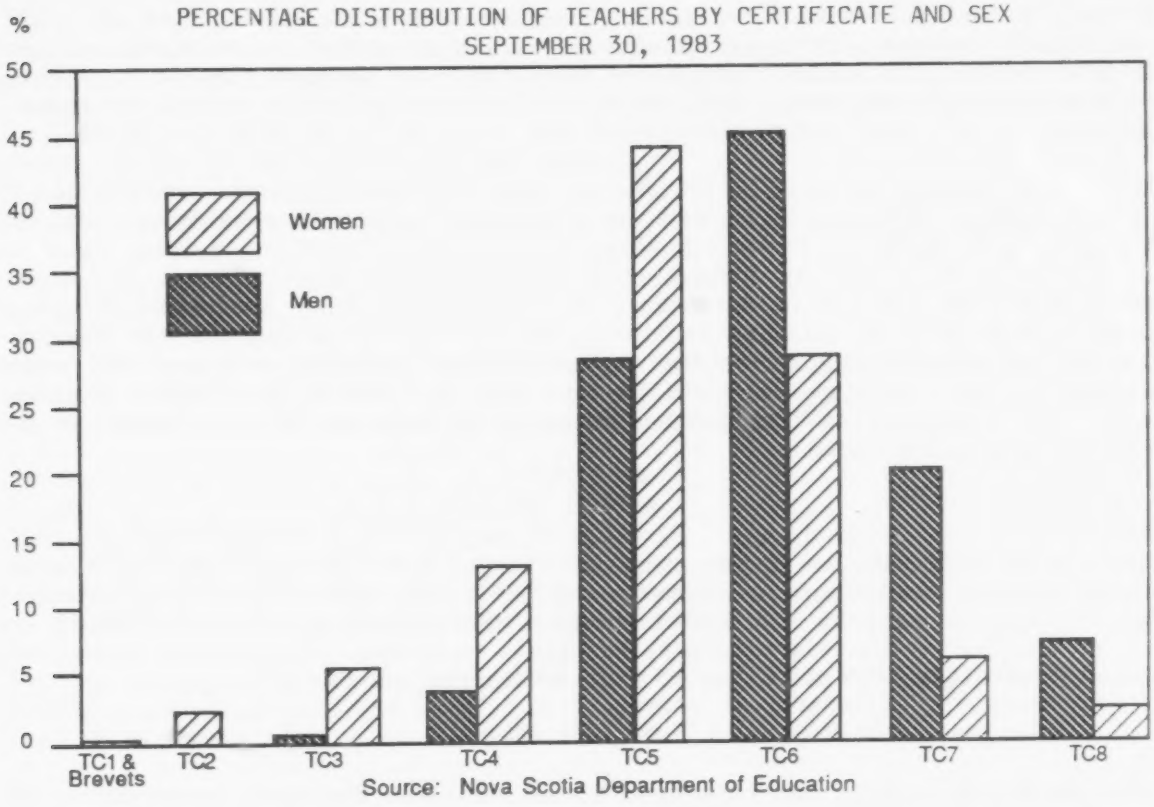
345. In recent years, more women in Nova Scotia availed themselves of training programs sponsored by the Canada Employment and Immigration Commission and delivered by provincial training institutions: 2,002 in 1983-84 and 2,880 in 1984-85. Courses taken included vocational, basic training for skill development, job readiness training, career exploration and development, pre-technology and introductory courses.

346. The Mount Saint Vincent University, a fully accredited degree-granting institution open to students of both sexes, is primarily designed to encourage more women to pursue studies in higher education. The President of the University has always been a woman and most of the senior administrative and teaching positions are held by women. The University has made provision for free counselling for older women wishing to enter university, evening courses for working women, scholarships open exclusively to women, courses in studies primarily of interest to women, and holding conferences, seminars and public debates on women's issues.

347. The Human Rights Commission has conducted over 100 school conferences throughout the province. The conferences are usually of a week's duration and are designed to eliminate discrimination, including the elimination of stereotyped concepts of the roles of men and women.

348. All textbooks are reviewed by the Department of Education before approval for use in the schools. The reviewers are specifically required to look for sex bias and racial prejudice and only texts that are free of sexism and racism are approved for school use.

349. The following chart illustrates the percentage distribution of teachers by certificate and sex. It is significant to note that while there is a clear dominance of women over men up to TC5 (Baccalaureate Degree and B.Ed.) the reverse trend is true from TC6-TC8. This would tend to support the view that women teachers do not upgrade their level of certification, presumably due to domestic responsibilities.



350. Women continued to dominate the teaching profession during the period under review. However, although 60% of the teachers are women, men predominate in the higher categories of the teaching profession and there are more men employed as department heads, vice-principals, principals, supervisors, system consultants and assistant superintendents. During the period under review, there were no women in the highest category, that of superintendent.

ARTICLE 11

351. Reference has been made above under article 4 to the affirmative action programs entered into by the Human Rights Commission during the period under review. The equal value concept has not been accepted by the Government of Nova Scotia to date. However, there is recognition for equal pay for equal work in the Nova Scotia Labour Standards Code.

352. The Nova Scotia Pension Benefits Act, S.N.S. 1987, c.11, which repealed the earlier legislation, becomes operative effective January 1, 1988. Some of the highlights of the new Act are: full-time employees will be eligible to join their pension plan after two years of service; part-time employees will also be eligible to join their pension plan after two years of service if they have earned at least 35% of the Canada Pension Plan's Maximum Pensionable Earnings; a member with a spouse must elect a retirement pension that includes a survivor benefit equal to at least 60% of the initial pension; a pension plan must provide a pre-retirement survivor benefit at least equal to 60% of the value of the deferred member's pension benefit; survivor benefits will not be terminated upon remarriage; the value of pensions accrued during a marital relationship will be divided between the spouses on marital breakdown; and pension plans are required to provide early retirement options up to 10 years prior to normal retirement date.

353. This legislation will be of immense benefit to working women who frequently interrupt their careers on account of childbirth and child rearing and who opt for early retirement.

354. Under the Collective Agreement, civil servants whose employment requires them to work at Video Display Terminals are entitled to an annual eye examination by an ophthalmologist at the expense of the employer, and pregnant women working in such positions are entitled to seek a transfer to another environment. The lead given by the Province is being followed by other employers in the public and private sectors.

ARTICLE 12

355. In Nova Scotia, as in the rest of Canada, both men and women have equal access to all health care services. The Grace Maternity Hospital, located in Halifax and operated by the Salvation Army with federal-provincial funding, is one of the few exclusively maternity hospitals in Canada. It provides a complete range of services from pre-natal to post-natal care and counselling.

ARTICLE 13

356. Under the Family Benefits Act, S.N.S. 1977, c. 8, there is provision for long-term financial assistance to both men and women. Women are in a more advantageous position in that a single woman with dependent children and an unemployed woman who has reached 60 are entitled to long-term benefits. In a recent case, the Supreme Court of Nova Scotia has held that the denial of long-term benefits to a single man with dependent children is an infringement of the Canadian Charter of Rights and Freedoms. The Province of Nova Scotia appealed this decision but the appeal was dismissed.

357. As banks are federally incorporated and therefore all under federal jurisdiction, complaints of discrimination by banks against women in provision

of services are dealt with by the Canadian Human Rights Commission. However, if a mortgage company or trust or finance company or a credit union discriminates against a woman on the basis of her sex, she is entitled to seek recourse either under the Human Rights Act or the Consumer Protection Act, R.S.N.S. 1967, c. 53.

358. All funding criteria in the Nova Scotia Department of Culture, Recreation and Fitness apply equally to both sexes.

ARTICLE 14

359. The Matrimonial Property Act is based on the principle that marriage is a partnership of equals and that all matrimonial property acquired before or during the marriage by either or both spouses shall be divided equally between them when the marriage ends. This legislation is particularly valuable to rural women who contribute significantly to the family economy but work in an unpaid capacity.

360. The most important of the self-help groups in Nova Scotia is the Women's Institutes of Nova Scotia catering exclusively to rural women. There are approximately 250 chapters of this organization which has a total membership of between 5,000 and 6,000 members. The Women's Institutes are volunteer groups with minimal funding from the provincial government which focus their attention on all issues of importance to rural women.

361. In addition to the Women's Institutes, most of the minority groups, i.e., Acadian, Native and Black, have also organized women's chapters to deal with issues of special concern to them. A large segment of these groups reside in rural areas.

362. The newly established Department of Vocational and Technical Training conducts about 20 workshops annually throughout the province to provide training for volunteer reading aides to serve mainly persons in rural areas.

ARTICLE 16

363. In Nova Scotia, a person who is under 19 years of age cannot get married without the written consent of the parents or parent, a guardian or a child welfare agency. If consent is withheld unreasonably, an application can be made to a family court judge who can order that a licence be issued.

364. A person under 16 cannot get married except with the permission of the family court judge and this permission will only be granted if the court deems that it is in the best interest of the applicant to permit such a marriage.

365. All marriages have to be registered under the Vital Statistics Act, R.S.N.S. 1967, c. 330.

ONTARIO

INTRODUCTION

366. This document summarizes the measures that the Province of Ontario has taken with respect to provincial policies, legislation and programs relevant to the articles of the Convention on the Elimination of All Forms of Discrimination Against Women.

367. The creation of the Ontario Women's Directorate in 1983 is probably the most significant change. This organization serves as a force within Government promoting women's interests, and actively participates in the creation of policies, legislation and programs that will advance women's movement toward equality.

ARTICLES 2 AND 3: EQUALITY

Ontario Human Rights Commission

368. The new Human Rights Code adopted in 1982 contains two new provisions that predominantly affect women. Firstly, sexual harassment became a specific ground of complaint, and secondly, systemic or unintended discrimination became specifically prohibited.

369. The number of complaints of sexual harassment and the settlements awarded has increased steadily since these legislative changes were introduced. In 1980-81, the Ontario Human Rights Commission received 85 complaints under this category. By 1983-84, that figure had risen to 130. In 1982-83, these complainants received monetary settlements totaling $76,261 whereas, in 1985-86, complainants received a total of $105,245.

370. In 1983, the Race Relations Division of the Human Rights Commission and the Ontario Women's Directorate organized a province-wide conference on the theme "Racism, Sexism and Work". As a result of that conference, a working relationship was established between visible minority women and policy makers. Proceedings of the conference provided the Division and the Directorate with a basis for important policy and program decisions on issues facing visible minority women in Ontario. An operational review of the Commission and an increase in the budget of that Division has also aided this process.

371. A public education campaign regarding the Ontario Human Rights Code was initiated in 1984-85. Eighty public education activities specifically concerned with women's issues were conducted; 368,435 publications were distributed, including brochures on sexual harassment and discrimination because of sex, marital and family status. A policy of reporting and publicizing the results of cases was also established.

Ontario Women's Directorate

372. The Ontario Women's Directorate is a staff organization within the Government of Ontario with a goal to achieve economic and social equality for women in Ontario. Established in 1983 with a staff of 40 and a budget of $3.5 million, the Directorate now has 60 employees and a budget of $7.6 million. It works closely with all Government ministries and agencies to identify and

analyse issues, as well as pinpoint gaps in existing programs or policies that may disadvantage women.

373. The Directorate is responsible for developing and co-ordinating a wide variety of programs intended to benefit women. One important initiative is the Community Grants Fund which provides financial support to community-based projects. Funds are targeted for projects which address employment equity, pay equity, employment and education, family violence, justice and health issues for women. The selection of the programs also focuses on the needs of immigrant, visible minority, Native, elderly, rural and young women. Since 1984, this fund has provided a total of $1,177,483 to 165 projects.

374. Every policy and legislative change submitted to Cabinet must now contain a statement of its impact on women.

Ontario Advisory Council on Women's Issues

375. The Ontario Advisory Council on Women's Issues was created in 1984 when the mandate of the Ontario Status of Women Council was amended to provide for consultations with women's groups throughout Ontario. Sixteen members drawn from the general public advise the Minister Responsible for Women's Issues on the need for government action on specific matters.

376. The Council has submitted briefs to the Government on subjects such as child care, family violence and pay equity; organized a public conference on women and health; held regional meetings throughout the province; and consulted with the Government on issues affecting women in relation to the provincial budget.

ARTICLE 4.1: DE FACTO EQUALITY

Employment Equity

377. The Government of Ontario is committed to employment equity in the Ontario Public Service, the broader public and private sectors, and to improving the economic status of women in Ontario workplaces.

378. In 1974, the Ontario Public Service initiated one of the first affirmative action policies in Canada. Numerical targets for both the hiring and training of women were included in 1980.

379. Government achievements in employment equity for female Crown employees are publicized in an annual report which is tabled in the Legislature. The results are illustrated by its wage gap which is 14% lower than the private sector (22% compared with 36% in the private sector). Despite a general decline in the executive population, the percentage of female executives in the Ontario Public Service has increased annually. In 1977, only 29 or 3.9% of the total number of executives was female, whereas in 1985, there were 73 female executives out of a total of 626, or 11.7%.

380. Since 1984, new efforts have been undertaken to market employment equity in the broader public and private sectors. For example, $4.3 million has been set aside to provide incentive funding for employers in the broader public sector who wish to establish employment equity programs. The response from

municipalities, hospitals, universities and school boards has been good. Between 1984 and 1986, the number of employers with employment equity initiatives has increased from 29 to 184.

381. The Government has also accelerated its efforts to promote employment equity in the private sector through a consulting service. It also supports several change agent projects with private sector employers. These joint ventures provide companies with credible examples of employment equity initiatives. In addition, an annual awards program was begun in 1984, which recognizes employers with outstanding employment equity programs in the private and broader public sector.

382. The Business Ownership Program for Women was announced in 1985. It is designed to encourage female entrepreneurs and recognizes that traditional government programs for small business development have focused on men.

ARTICLE 5: SEX-ROLE STEREOTYPING AND FAMILY EDUCATION

383. The Theatres Act was amended to permit the classification and regulation of films and videotapes by the Ontario Film Review Board. This Board directs its attention primarily to sexual depictions both with and without violence.

384. An inter-ministerial committee prepared the Government of Ontario's response to the Fraser Committee on pornography and prostitution.

385. In 1984, the Ontario Women's Directorate launched a major public education campaign to emphasize the seriousness of wife battering and its social and legal implications. The base budget for the Directorate's program was $400,000. As a direct result of the campaign, there was an increase in the number of requests from the public for information, and an unprecedented number of calls from men inquiring about counselling services.

386. At the same time, the Government made a commitment to criminalize family violence. Sixty Crown attorneys were trained and appointed as special Domestic Assault Prosecutors to assist victims of family violence. In March 1985, a series of programs to further assist victims of family violence was announced. These programs focused on improving support services such as funding for shelters, counselling programs, emergency transportation and crisis assistance. Ontario Government expenditures on wife assault initiatives have risen from $2.5 million in 1981 to approximately $22 million in 1986.

387. In 1983-84, the Ministry of Community and Social Services allocated $4 million for emergency shelter and transition homes. By 1985-86, that figure had increased to $14.4 million. In 1984, there were 49 emergency shelters; by the end of 1986, 109 shelters had been established.

388. In June 1985, a deputy ministers committee on services related to battered women was formed. Its mandate was to review existing programs and develop options for a long-term strategy for the provincial government on this issue.

389. A specially trained contingent of police officers has been designated to investigate obscenity cases, educate the public and liaise with other police forces about pornography.

ARTICLE 7: POLITICAL AND PUBLIC LIFE

390. Ontario's Legislative Assembly consists of 125 members (MPPs). In 1980, there were six female MPPs and two female cabinet ministers. In 1985, the number of women MPPs increased to nine, while the number of women cabinet ministers remained at two, even though the total number of cabinet ministers was reduced from 28 to 23.

391. In 1985, approximately 25% of school board officials were women and a similar percentage occupied the position of chair. Of 838 municipalities in the province, only 54 were headed by women.

392. In 1986-87, there were five female deputy ministers out of a total of 40. This position represents the highest level an employee can achieve in the Ontario Public Service. Nine out of 56 assistant deputy ministers were women.

393. The appointment of qualified women to provincial agencies, boards and commissions is an important indication of the Government's commitment to equal opportunity for women in the province. In 1973, slightly more than 8% of such appointments were women. By 1985, this figure had increased to just over 23%. The Ontario's Women's Directorate has established an inventory of qualified women for consideration for such appointments.

394. Female representation on the faculty of universities continues to be low. Although 44% of lecturers were women in 1984-85, only 26% had risen to the rank of assistant professor, 13% to associate and a mere 5% were full professors. Women represent 16% of all full-time faculty members, an increase of only 4% since 1971. To address the problem, $300,000 has been made available by the Ontario Women's Directorate for universities to develop employment equity plans in 1985-86.

395. The number of women in professional schools has increased dramatically in the last decade and steadily in the last four years. Between 1980-81 and 1983-84, the number of women in professional faculties increased from 36.1% to 41.7% in law, from 32.8% to 38.5% in medicine, and from 36.1% to 41.9% in commerce and business.

ARTICLE 10: EDUCATION

396. The Government of Ontario is committed to equal educational opportunity for both sexes in its publicly funded school system.

397. Informing young girls and women of current labour market realities and encouraging them to develop skills and interests necessary to pursue a wide range of occupations is a priority of the Government. This is currently being addressed by a number of specific programs. These include: Open Doors, a pilot program which provides women in non-traditional jobs as speakers and role models for elementary and secondary schools; Jobs for the Future: Women, Training and Technology, a project intended to facilitate the entry of women into training and employment in technology; Pathmakers, a program that links high school girls with young women in non-traditional fields of study in post-secondary institutions to encourage them to consider a wide range of career options.

398. In addition, a commitment to restructure science, mathematics and technological programs in elementary schools, with special emphasis on meeting the needs of girls, was recently announced.

399. The Students Awards Branch of the Ministry of Colleges and Universities administers the Ontario Special Bursary Program. This Program, which is geared primarily to the upgrading of women's education to improve their career potential, has recently expanded its budget from $500,000 to $1.3 million.

400. The improved access of women to training in both traditional and non-traditional areas is a high priority of the Ministry of Skills Development. Funding for skills development programs, including programs having a direct impact on women, has increased significantly. In 1986, the budget for new training programs had doubled to $100 million. Women, along with other traditionally under-represented persons (such as visible minorities, older workers, Native persons and persons living in remote communities) will receive special attention in the removal of financial and other barriers preventing access to training. Women are to be particular beneficiaries of training access funds (child care, transportation, accommodation), special projects funds (innovative training methods), access to non-traditional occupations (including apprenticeships), and Ontario Basic Skills (training in basic skills such as literacy, which is intended to serve as a bridge to further skills training or employment).

401. Numerous career publications are distributed by the Ontario Women's Directorate.

402. A careers education film entitled "Here Today ... Where Tomorrow?" has been produced by the Directorate. It has been aired on television and broadly distributed with particular emphasis on school audiences. Career education computer programs for girls are also being developed.

403. An information bank on training programs and opportunities for women is being prepared by the Directorate. Special attention will be paid to low-income, immigrant, Native and rural women.

ARTICLE 11.1: EMPLOYMENT

404. The Civil Service Superannuation Act was recently amended to classify permanent part-time workers as full-time workers for pension purposes.

405. There is an ongoing public education campaign to explain the Employment Standards Act and its provisions on equal pay, equal benefits and pregnancy leave. During 1984-85, the equal pay enforcement unit made 30 public appearances and dealt with 1,989 inquiries.

406. See also responses to articles 2, 3 and 4.1.

ARTICLE 11.1(a): THE RIGHT TO WORK

407. The Government provides income support to sole support parents under the Family Benefits Act (over 95% of whom are women). This is supplemented with further commitments to enable them to gain access to training and employment opportunities.

408. In 1982, the Employment Support Initiatives Program was fully implemented. This Program provides job readiness training for recipients of family benefits income support who are interested in moving into the labour force.

ARTICLE 11: 1(b) and 1(c): EMPLOYMENT OPPORTUNITIES--TRAINING

409. See responses to articles 4.1 and 10.

ARTICLE 11.1(d)

410. The Government of Ontario has passed legislation which introduces pay equity into the public, broader public and private sectors. Pay equity addresses that part of the wage gap resulting from the undervaluation of jobs done predominantly by women due to occupational segregation and gender discrimination.

ARTICLE 11.1(e): PENSIONS AND INCOME SUPPORT

411. The Guaranteed Annual Income Systems (GAINS) ensure a minimum annual income for eligible Ontario residents 65 years of age and over. In December 1984, the GAINS benefit for single people was increased to 60% of a married couples' benefit. This has ensured greater minimum annual income for women over 65.

412. In August 1985, amendments were made to the provincial pension plan to conform with the equality provisions of the Canadian Charter of Rights and Freedoms. These included elimination of the use of years of service to calculate vesting and locking in of pension benefits and the elimination of sex-based mortality tables for calculating pension benefits and contributions.

413. Amendments to the Pension Benefits Act intended to improve the retirement income of women were planned for January 1987. These include: improved portability; coverage of part-time workers; the extension of survivor benefits after remarriage; and pension splitting on marriage breakdown and retirement.

ARTICLE 11.1(f): WORKING CONDITIONS

414. In 1985, amendments to the Employment Standards Act extended the minimum wage to domestic workers, increased their benefits with respect to hours worked in excess of regular working time, and classified them as eligible for coverage under the Workers' Compensation Act.

ARTICLE 11: 2(a) and 2(b): MATERNITY LEAVE

415. Within the Public Service, female employees are now entitled to maternity leave for 17 weeks with pay and may extend this for a further six months without pay. Leave without pay for adoptive parents has been extended to 17 weeks to bring it into line with maternity leave.

ARTICLE 11.2(c): CHILD CARE

416. The Government of Ontario recognizes child care as an essential public service which should serve the needs of all working parents. Interim measures have been taken to expand the existing system and a long-term review is being undertaken.

417. Since 1984, there has been a substantial increase in government funding for child care. In 1984, $4.8 million was allocated to provide 1,500 more subsidized spaces. In 1985, an additional 10,000 subsidized spaces were funded (over $30 million in two years), and a fund was established to cover start-up costs for 155 additional child care programs. In 1986, $6 million was added to the amount already designated for child care.

418. Work-related child care programs are a priority. Early in 1986, an on-site day-care centre was established for children of provincial government employees (64 children were served at that time). In addition, an advisory service on work-related child care for companies and a fund to provide child care allowances for women attending job training programs has been established. In conjunction with the Ministry of Industry, Trade and Technology, the Ontario Women's Directorate has developed a brochure for employers on workplace child care programs.

419. Funds to provide assistance to eligible families on waiting lists for child care have also been increased. Funding guidelines to establish priorities for additional child care spaces have been revised and include workplace programs, training related programs, rural child care and private home day-care.

ARTICLE 12: HEALTH

420. The Ontario Government recently made a commitment to establish midwifery as a recognized part of the Ontario health care system. A task force on the implementation of midwifery has made its recommendations on the educational requirements and delivery of services to the Ontario Government.

421. In 1984-85, $655,000 was awarded for research into women's health and in 1985, 14 proposals totaling $637,000 were approved.

422. Community mental health programs targeting women have been approved and funded by the Ministry of Health. There are now 23 such programs, including nine alcohol and drug treatment programs with an annual budget of $3,474,316.

423. Several sexual assault treatment centres have also been established and the Government is committed to reviewing care for sexual assault victims throughout the province. While hospital emergency departments may be designated as treatment centres, arrangements for the care of these victims will vary from community to community depending upon resources. In addition to providing medical services, these centres document forensic evidence for court proceedings.

ARTICLE 13: FAMILY BENEFITS, CREDIT AND SPORTS

424. See article 11.1(a) for family benefits.

425. The Human Rights Code proclaimed in 1982 contained a specific exemption allowing discrimination in athletics on the basis of sex. The Government has passed legislation repealing this section.

426. The Government has established a special program entitled Best Ever to encourage greater participation of young people in amateur competitive sports.

A separate women's program has been incorporated into the undertaking to ensure female participation. A special initiative entitled Female Athletes Motivated for Excellence (FAME) introduces high school girls to distinguished female athletes and is intended to foster girls' participation in competitive sports.

ARTICLE 14: RURAL WOMEN

427. A number of programs which recognize the special needs of rural women have been introduced. These have often fallen within more general initiatives such as child care and family violence. Rural women's participation in the economy and labour force is being identified by means of statistical surveys. There is also a general recognition that access to government services such as training courses and safe houses offering protection from abusive spouses must be improved for rural women. The under-representation of rural women on government boards and commissions has also been identified as an issue.

428. In 1984, a report, Women in Rural Life: the Changing Scene, which was based upon information collected in a series of 24 local consultations across the Province, was released by the Ministry of Agriculture and Food. That same year, the Ministry and the Ontario Women's Directorate held a three-day conference entitled "Turning Point" which was designed to equip rural women with the skills necessary to establish and maintain self-help groups.

ARTICLE 15: EQUALITY

429. The equality section of our Constitution, section 15 of the Canadian Charter of Rights and Freedoms, came into effect on April 17, 1985. An omnibus bill amending many Ontario laws to conform with the Charter was introduced on June 11, 1985.

430. Revisions to the Change of Name Act now allow either spouse to assume their spouse's surname or a combination of their surnames during the marriage and then resume the name he or she had before marriage. This rule also applies to people who are not married and have filed a declaration of a conjugal relationship.

431. Amendments to the Vital Statistics Act now allow parents to give a child the surname of either parent or a combination of both, irrespective of their marital status, provided both parents consent. When the parents cannot agree, the child will receive the surname of both parents, hyphenated.

432. The Family Benefits Act requires a recipient of family benefits to live as a single person. Colloquially referred to as the "man-in the house" rule, the Act withdraws benefits from recipients who are living in common-law relationships. This method of determining eligibility is biased against women and is under review.

433. The Employment Standards Act, which affects part-time workers, has been identified as an area requiring reform and is presently under review.

434. A one-million dollar fund was provided by the Government to the Women's Legal Education and Action Fund (LEAF). It provides greater access to the courts on equality-related issues for Ontario women by funding important Charter challenges.

435. The Ministry of the Attorney General has released a brief entitled Sources for the Interpretation of Equality Rights under the Charter which provides a detailed and comprehensive analysis of possible interpretations of section 15 and other related sections. The background paper is frequently employed as a research tool in equality litigation. It has been revised to take into consideration recent Supreme Court of Canada decisions on the Charter.

ARTICLE 16: FAMILY RELATIONS

436. The Government has recognized marriage as a partnership of equals in its property division rules upon marriage breakdown.

437. The Family Law Act, 1986, which came into effect on March 1, 1986, makes dramatic and fundamental changes to family law in Ontario. It replaced the right to an equal division of family assets with provisions that ensure that the net value of all assets acquired after the date of marriage is shared equally between spouses, with very few exceptions. The marriage partners can contract out of this arrangement. The rule includes the division of assets such as pensions, investments, and business holdings which previously were usually exempt from division.

438. This Act also incorporates a change in the definition of spouse for the purpose of support. A man and a woman who are not married and have co-habited continuously for a period of three years (formerly five years), or who are the natural or adoptive parents of a child and live together in a relationship of some permanence, are now eligible for support.

439. The new Act repeats the obligation every spouse has to support herself or himself and the other spouse in accordance with need and to the extent that she or he is capable. The extent to which one parent has assumed child care responsibilities will be valued in the allocation of support.

ARTICLE 16(d): PARENTAL RIGHTS AND RESPONSIBILITIES

440. The Government has taken steps to relieve the dependent spouses (usually the wives) of the burden of taking measures themselves to obtain the enforcement of support and custody orders. It is estimated that 75% of these orders are in some form of default. An Act Respecting the Enforcement of Support and Custody Orders will create a new office with authority to enforce such orders. The office will monitor payments and have authority to automatically take action if payments are missed. This action could include garnishments of wages and debtor tracing.

PRINCE EDWARD ISLAND

INTRODUCTION

441. Information contained in the following report includes: 1) statistics obtained on the number of women in various positions in public life; and 2) descriptions of events that have occurred within the Province of Prince Edward Island since 1982 that can be said to illustrate progress made or difficulties encountered in the elimination of discrimination against women.

PART I: STATISTICS ON WOMEN IN PUBLIC LIFE IN PRINCE EDWARD ISLAND

442. The following table lists the numbers and percentages of women in various sectors of public life in Prince Edward Island in 1986:

WOMEN IN VARIOUS POSITIONS IN PUBLIC LIFE IN PRINCE EDWARD ISLAND - 1986

Position Title	Number of Positions	Number of Women in Positions	Percentage of Women in Positions
Member of Legislature	32	3	9.4%
Provincial Cabinet Minister	10	1	10.0%
Provincial Deputy Minister	12	0	0.0%
Mayor/Chairperson of Municipal Council	86	7	8.1%
Member of Municipal Council (other than chairperson)	474	92	19.4%
Chairperson of School Board	5	1	20.0%
Member of School Board (other than chairperson)	69	15	21.7%
TOTAL	688	119	17.3%

PART II: PROGRESS SINCE 1982

Prince Edward Island Women's Directorate

443. In October 1985, the Premier announced the creation of the Prince Edward Island Women's Directorate, an internal government structure to initiate, co-ordinate and review the development of policies and programs that affect women in the province. It is intended that the structure and function of the Directorate and its mode of operation will evolve in consultation with a wide range of women's organizations across the province.

Legislation: An Amendment to the Prince Edward Island Vital Statistics Act following legal action

444. With financial assistance from the Women's Legal, Education and Action Fund (LEAF), a national organization that supports test cases which will advance women's equality, a Prince Edward Island woman challenged the Vital Statistics Act which stated that children born to a married woman must have their births registered under the surname of the woman's husband. The Act was challenged under the Canadian Charter of Rights and Freedoms and a case was launched against the provincial government. The Government, in its spring session of the Legislature in 1986, approved an amendment to the Vital Statistics Act. The amended Act, which came into effect in July of 1986, includes a provision which allows parents to register the birth of a child using the surname of the mother, the father or a combination of the two surnames.

Examples of Resolution of Complaints of Sex Discrimination

(a) Gladys Kickham v. the City of Charlottetown

445. Ms. Kickham filed a complaint with the Prince Edward Island Human Rights Commission against the City of Charlottetown, alleging that she had not been selected for the position of police constable with the City because of a bias against females on the part of some members of the hiring committee. A public Board of Inquiry, in May of 1986, upheld the Prince Edward Island Human Rights Commission's decision that discrimination against Ms. Kickham did occur. The Board recommended that the City pay Ms. Kickham a total of $9,765.42 in damages and offer her a position as constable on the police force. The Minister Responsible for Human Rights issued an order that the Board's recommendations be carried out and the City complied. Gladys Kickham accepted the City's job offer and joined the City police force in September 1986.

(b) Participation of Females in Team Sports

446. Four other complaints of discrimination against females that were successfully resolved were filed with the Prince Edward Island Human Rights Commission on behalf of pre-adolescent girls who had been playing on sex-integrated hockey teams but who were prohibited from participating in the playoffs. The complaints were settled privately between the parties with the hockey association removing its restrictions against female players.

PART III: DIFFICULTIES

447. In May of 1986, the Board of Directors of the Prince County Hospital, the only remaining hospital in the province with a therapeutic abortion committee, voted to abolish the committee. There is now no legal mechanism in the province by which women may have access to medically approved, therapeutic abortion. The Prince Edward Island Advisory Council on the Status of Women issued a statement in September of 1986 in which it outlined several issues relevant to women's control over their reproductive function. Needs identified by the Advisory Council included: the need for access to therapeutic abortion; the need for broader education through family life education; the need for counselling services on issues of health, contraception and pregnancy; the need for possible changes in the Criminal Code and the Canada Health Act to ensure access to therapeutic abortion services for Prince Edward Island women; and the need to educate elected officials on the various facets of the abortion issue.

QUÉBEC

448. The Government of Québec undertook to abide by the Convention on the Elimination of All Forms of Discrimination Against Women when it adopted, in conformity with its domestic law, Order-in-Council No. 2894-81 on October 20, 1981.

449. The present report covers the legal and other measures that have been taken to implement the Convention and the progress made since the presentation of the first report in May 1983.

450. Québec has a Minister Responsible for the Status of Women whose mandate is to implement a comprehensive policy on the equality and autonomy of women in Québec. The Minister must also ensure the coherence of government policies and initiatives on the status of women. The Secrétariat à la condition féminine [secretariat on the status of women] provides the Minister with technical and administrative assistance and advises her on the consistency of government action. The Minister is also responsible for the Conseil du statut de la femme [status of women council], which provides guidance and advice on any matter pertaining to the equality of and respect for the rights and status of women, as well as for the Office des services de garde à l'enfance [child day-care services bureau], which was established to ensure that day-care services of good quality are provided, and to promote the development of such services.

451. Four departments have status of women bureaus, one has a branch to promote female entrepreneurs and 16 others have officers whose job it is to develop and co-ordinate measures and policies on the status of women in their respective departments. These officers ensure that such policies are in keeping with women's rights and interests (Appendix 1). In all, government mechanisms pertaining to the status of women account for some 325 employees. Government mechanisms, some of which were in place before 1982, are playing an important role in eliminating discrimination against women.

452. To mark the end of the United Nations Decade for Women, the Government of Québec organized a national conference on the economic security of women in Québec. Held in May 1985, the conference brought together women and representatives from business, financial institutions, unions, research and education establishments, government, professional corporations and municipalities. It was preceded by regional working meetings and preparatory meetings of delegates at which the measures and proposals presented to the participants emerged and were articulated. The following issues were considered: access to credit, wives working in a family business, women in agriculture, funding for shelters for women who are victims of violence, training for girls and women, access to day care and affirmative action programs. The purpose of the event was to integrate women's problems into the activities of the various participants. It also provided an opportunity to invite all Quebeckers to think about the economic realities women face.

453. The deliberations led to a consensus on a number of issues; major commitments were made in response to the demands made at the conference. The Government spent some $75 million on programs and measures to promote greater economic security for women in Québec.

454. In addition, the conference resulted in the creation of three task forces: the Comité sur l'égalité d'accès au crédit [committee on equal access to credit], the Groupe de travail sur la déclaration de statut de la femme

collaboratrice [task force on the declaration on the status of wives working in a family business] and the Comité sur la reconnaissance du travail au foyer et le partage de la richesse familiale [committee on recognition of work done in the home and sharing of family assets]. These government task forces included representatives of women's groups, who could thus take an active part in decision making. The recommendations made by the task forces and/or committees will be considered by all the departments concerned and will no doubt lead to significant changes on these various issues.

455. Following the conference, an interdepartmental committee was set up by Cabinet to assess contractual obligation as a means of encouraging affirmative action programs. Under such a contractual obligation, companies would be required to set up an affirmative action program if they wish to contract with the Government. The committee's report was submitted to the Department of Justice and its recommendations are currently under study.

ARTICLE 2(b): TO ADOPT APPROPRIATE LEGISLATIVE AND OTHER MEASURES, INCLUDING SANCTIONS

456. In Québec, the Commission des droits de la personne [Human Rights Commission] is the agency empowered by the Charter of Human Rights and Freedoms, R.S.Q., c. C-12, to receive complaints of discrimination and conduct investigations. The Commission has been in existence for 10 years, and statistics show that discrimination based on sex is the most common ground for complaint each year, primarily in the employment and housing sectors (cf. Appendix 2 for a detailed statistical table). In most cases, where complaints prove to be justified, a settlement is made. Two examples follow.

At Industries Valcartier, 203 women will continue to benefit each year from the $200,000 increase in total payroll. Mediation by the Commission in response to complaints filed by the union on behalf of its female members prompted the company to revise its policies. In addition to the wage scale adjustment, 150 women received lump sum payments totaling $50,000. The women, who were performing duties equal in value to the men's, were receiving lower wages; their positions were not subject to the same appraisal procedure as those held by men.

In 1978, 24 women at Québec North Shore had sex-based classifications removed from the company's appraisal plan and wage differences eliminated in cases of work of equal value. The complainants received retroactive pay of $25,914, for a total settlement of $43,000. In 1979, as a result of wage adjustments, these 24 women received an additional $16,830.

457. Women who have been discriminated against also have recourse to the civil courts, for example, to recover damages. The most important case of sexual harassment is that of Foisy v. Bell Canada, [1984] SC 1164. In response to sexual harassment from a person in authority at her place of work, Ms. Foisy filed a grievance in accordance with her collective agreement. She won it, was rehired and compensated for loss of earnings. She subsequently brought proceedings against her employer (Bell Canada), claiming $3,000 as compensation for the psychological trauma, suffering, social and professional isolation and loss of self-confidence she had experienced as a result of her dismissal for refusing to submit to the sexual advances of her superior. The Superior Court judgment held that the employer should be held liable for the offences committed by one of its officers in the performance of his/her duties. Accordingly, the Court ordered the company to pay Ms. Foisy the amount claimed.

458. The Superior Court handed down another judgment on October 1, 1986, in Diane May Halkett v. Ascofigex Inc. and Stanley C. Stephenson (SC 500-05-008308-841). The plaintiff had alleged sexual harassment and dismissal on the basis of sex. The judge held that the respondent's repeated advances, insistence and innuendo constituted sexual harassment, in violation of sections 10 and 10.1 of the Charter of Human Rights and Freedoms. The Court accordingly awarded the plaintiff two weeks' salary in material damages (she had remained without work for one month). The plaintiff was also awarded $2,000 for mental suffering and $2,000 in punitive damages on the grounds that the dismissal had been malicious. As in the preceding case, the judge held the company jointly and severally liable for its employee's actions.

ARTICLE 2(e): TO ELIMINATE DISCRIMINATION BY ANY ENTERPRISE OR PERSON

459. On June 1, 1984, section 18.1 of the Charter of Human Rights and Freedoms came into force in Québec. The section protects any person who completes a job application form or attends an interview by prohibiting the future employer from requiring that the individual give information regarding any ground mentioned in section 10 of the Charter. However, information can be requested if it is useful for the application of section 20 or the implementation of an affirmative action program in existence at the time of the application. Section 20 provides that a distinction, exclusion or preference based on the aptitudes or qualifications required for an employment is deemed non-discriminatory.

460. The majority of domestics are women. The Act respecting labour standards sets minimum working conditions for all employees who work in various sectors, including domestics. A domestic is defined as an employee in the employ of a natural person whose main function is the performance of domestic duties in the dwelling of that person. The definition excludes any employee whose main duty is the care of a child or of a sick, disabled or aged person.

461. In other respects, since the new Act respecting industrial accidents and occupational diseases, R.S.Q., c. A-3.001, came into effect in August 1985, a domestic, as defined in the Act respecting labour standards, can also apply to the Commission de la santé et de la sécurité du travail [occupational health and safety commission] for protection in case of industrial accident or occupational disease. In addition, any individual who resides in her/his employer's dwelling and whose main function consists in caring for a child or a sick, disabled or aged person can also request such protection.

ARTICLE 2(f): TO TAKE LEGISLATIVE MEASURES TO MODIFY OR ABOLISH ANY LAWS OR REGULATIONS WHICH CONSTITUTE DISCRIMINATION

462. With the assistance of other departments and agencies, the Department of Justice reviewed all of Québec's legislation to find provisions that would be incompatible with the Québec Charter of Human Rights and Freedoms. Section 52 of the Charter, which stipulates that no provision of any Act, even subsequent to the Charter, may derogate from sections 1 to 38, took effect on January 1, 1986 (1983, c. 61, s. 34). Incidently, in May 1986, the Minister of Justice tabled Bill 92 proposing amendments to more than 100 acts.

463. Some of the acts were changed because the provisions in question constituted discrimination based on sex. The most important are the Act respecting offences relating to alcoholic beverages, R.S.Q., c. I-8.1, and the Act respecting liquor permits, R.S.Q., c. P-9.1. The provisions of these acts

that allowed women to be excluded from taverns and prohibited women from being employed in taverns have been abolished. In Québec, there were 200 such establishments which were reserved exclusively for men.

464. Two other acts were modified because some sections constituted discrimination on the basis of civil status. The majority of victims of this form of discrimination were women. The two acts are the Education Act, R.S.Q., c. I-14, and the Act respecting labour standards.

465. Section 85.1 of the Education Act, which provided that a person could not be elected as representative of a parents' committee if his or her spouse was a school commissioner or trustee, or if he/she was himself/herself a representative of the parents' committee, has been abolished.

466. The provisions of the Act respecting labour standards which prevented an employee who is the employer's spouse from being entitled to a normal work week and paid annual leave have been abolished. Since women represent the majority of employees working for their spouse as employer, it is they who will benefit from the amendments.

ARTICLE 3: APPROPRIATE MEASURES IN THE ECONOMIC FIELD

467. In April 1984, responding to a request from women, the Government of Québec formed a team to promote female entrepreneurship with government authorities, women who own and manage businesses, the business community and the general public. The goal of the Government is to promote the development of companies owned and managed by women.

468. The business community and a number of social agents have greatly contributed to the success achieved by the Department of Industry and Commerce in the area of female entrepreneurship. For example, some 30 business organizations including the Boards of Trade have been involved in holding start-up workshops. These are workshops held across Québec to prepare women for launching their businesses.

469. In addition to conducting studies profiling women in business in Québec, the Direction de la promotion des femmes entrepreneures [promotion of female entrepreneurs branch] has held symposiums and conferences and set up a computer file of women who own and operate identified manufacturing concerns.

470. Since 1984, the Department of Industry and Commerce has offered the Bourse d'affaires [business bursary] program (called Jeunes entrepreneurs [young entrepreneurs] since the spring of 1987), which provides financial and technical assistance to graduates who meet certain criteria and wish to put their entrepreneurial spirit to use in furthering economic development in Québec. However, for women candidates who had to leave the labour market because of parental responsibilities, the conditions of admissibility are eased.

ARTICLE 4: ADOPTION OF TEMPORARY MEASURES

471. The first report by Québec dealt at length with Part III of the Charter of Human Rights and Freedoms, which applies to affirmative action programs. On June 26, 1985, the Government of Québec announced that this part of the Charter, except for the first paragraph of section 86.2, had come into force. This paragraph provides that every program must be approved by the Human Rights Commission, unless imposed by order of the court. Under s. 86.8 subpara. b) of the

Charter, the Government subsequently adopted a regulation which took effect on September 1, 1986. The regulation applies to any person devising, implementing or carrying out such programs upon a recommendation by the Commission or under a court order. The purpose of the programs is to remedy the situation of any group subject to discrimination, particularly women, members of cultural communities, the handicapped and Native peoples. The regulation can serve as a guide for employers who voluntarily set up such programs in their companies.

472. For the private sector, the Secrétariat à la condition féminine [secretariat on the status of women] will have primary responsibility for implementing a three-year action plan focussing on affirmative action programs for working women. The Secretariat will administer a program providing financial assistance to companies and will work with them to define and administer tools for evaluating the process inherent in affirmative action programs. As well, the Secretariat will perform secretarial duties for the advisory committee on affirmative action programs for women working in the private sector.

473. The committee, whose members include representatives from the business community, unions and women's groups, will advise the Minister on the best ways to encourage implementation of affirmative action programs. A representative of the Human Rights Commission will sit on the committee as an observer.

474. Responsibility for the plans to implement affirmative action programs in the education and health systems and the municipalities rests with the departments in charge of these different areas. The Secrétariat à la condition féminine will co-ordinate the various elements of these plans in the interests of consistency.

475. Paragraph 2 of section 86.2 of the Charter of Human Rights and Freedoms states that "The Commission must, whenever required, lend assistance for the devising of an affirmative action program." To that end, the Commission has set up an affirmative action programs branch with 18 staff members who can act as consultants to organizations wishing to implement affirmative action programs. A guide to implementing such programs in employment is currently being prepared.

476. The Public Service Act, R.S.Q., c. F-3.1.1, names the Treasury Board as the central agency responsible for setting up affirmative action programs within the Public Service to remedy the situation of persons discriminated against in employment. The vast majority of departments and agencies have designated persons responsible for implementing the various measures to promote equality in employment within their organization. The Office des ressources humaines [human resources bureau] assists and advises departments and agencies in developing their action plans. Treasury Board also has the power to verify the implementation of its policies and programs. However, under section 86.7 of the Charter, the Human Rights Commission must be consulted on the programs before they are implemented.

ARTICLE 7(a): TO VOTE AND TO BE ELIGIBLE FOR PUBLICLY ELECTED BODIES

477. In the wake of the public education campaign on municipal democracy launched by the Québec Department of Municipal Affairs in 1981, results in terms of female representation have continued to be positive through the years. For example, while in 1982, 3.7% of mayors were women, the figure rose to 5.3% in 1985. In 1982, 9.6% of councillors were women, whereas the percentage increased to 12.9% in 1985 (cf. Appendix 3).

478. In the June 1981 elections, 27.7% of elected school board members were women. The proportion rose to 32.9% in June 1982, and 35.4% in June 1984. It is logical to assume that the above-mentioned amendment to the Education Act will lead to further progress in women's representation.

ARTICLE 7(b): TO HOLD PUBLIC OFFICE AND PERFORM PUBLIC DUTIES

479. In the Québec Public Service, a procedure was developed in 1983 to increase women's chances of being appointed to positions for which they apply. Previously, staffing was based on the merit principle, whereby a position was awarded to the person who came first in a competition. The Public Service Act was amended and now provides that, following a competition, the Office des ressources humaines classifies qualified candidates by levels, which means that persons who qualify are grouped together in the same level when their results are more or less equivalent. Once the levels are ranked, the public servant is appointed from among the persons at the same level. However, where a level from which a person is appointed includes a candidate contemplated by the application of an affirmative action program and that candidate is not selected, the deputy minister or chief executive officer must submit to Treasury Board the reasons for which the candidate was not selected.

480. The senior management category in the Québec Public Service includes managers, executives and judges. Female representation in this category rose from 1.7% in 1977 (38 employees) to 8.06% (265) in 1986 (cf. Appendices 4, 5, 6 and 7).

481. Managers are divided into five classes, depending on their level of managerial responsibility. However, the lower the class (class 05 being the lowest), the higher the female representation. In 1981, for example, there were no female class 01 managers whereas women represented 3.9% of class 05 (29). In 1986, women represented 4.4% (2) of managers in class 01 and 9.29% (51) of class 05.

482. There are five types of executive positions: deputy ministers, associate deputy ministers, assistant deputy ministers (including secretaries general and associate secretaries general), chairpersons and chief executive officers, and executive officers of agencies. Female representation is rising steadily: from 4.7% (14) in 1979 it increased to 16.6% (79) in 1986. However, at the deputy minister and associate deputy minister levels only, the figures are not as high: 4.5% (2) in 1980 and 8.3% (4) in 1985.

483. The proportion of female judges has also increased steadily, from 2.2% (2) in 1979 to 6.3% (16) in 1986.

484. Finally, at the political level, five women were elected as MNAs in the 1976 election (4.5%), eight in 1981 (6.5%) and 18 in the most recent election in 1985 (14.7%). As well, one woman was appointed minister in 1976 (4.1%), two in 1981 (7.1%) and four in 1985 (14.2%).

ARTICLE 8: GOVERNMENT REPRESENTATION AT THE INTERNATIONAL LEVEL

485. As proof of its commitment to increased female representation in positions of responsibility at the international level, the Government of Québec appointed a woman as Deputy Minister of International Relations on October 27, 1982,

another one, on March 5, 1984, as delegate general of Québec in Paris and another one in June of that year, as the province's delegate general in New York.

486. The Department of International Relations also supported women's participation in international seminars, conferences and symposiums (Appendix 8).

ARTICLE 10(a): TO ENSURE THE SAME CONDITIONS FOR CAREER AND VOCATIONAL GUIDANCE

487. Some career and vocational guidance programs are sponsored by the provincial government, others are federally sponsored and a few are the product of Canada-Québec agreements. Various departments provide funding, either directly or through non-profit organizations.

488. Point tournant [turning point], a program that was set up in 1985, provides women with information on available guidance and training services. The sessions are funded by the Department of Education and given by the school boards.

489. Nouveau Départ [new start] offers women counselling to enable them to assess their resources and needs. The program also provides information on returning to work or school and community involvement. Funding for the program is supplied by the Department of Education through a voluntary public education organization. The aim of such non-profit organizations is to train and educate specific client groups. Some colleges (in the Amiante, Outaouais and la Pocatière regions) also offer the Nouveau Départ program.

490. Other non-profit organizations also receive funding for training activities. Some external human resources services funded by the Department of Manpower and Income Security have been set up to evaluate women's occupational skills, provide information and guidance and follow up their employment.

491. Regarding programs arising from Canada-Québec agreements, Transition-travail [work transition] was funded exclusively by the Department of Manpower and Income Security at its inception in 1980-1981. For two years, however, the Canada Employment and Immigration Commission has participated in the program by providing a training allowance. The program provides transitional placements for women who have decided to enter or re-enter the labour force after a relatively lengthy absence. It explores areas of employment ranging from non-traditional jobs to those traditionally preferred by women. The Transition-travail course has been given for five years by the school boards and CEGEPs (collèges d'enseignement général et professionnel) and, by the end of 1986-1987, will have reached more than 2,500 women, 40% of them in the CEGEPs.

492. Under the new federal Job Re-entry program (1986), women who have been away from the labour market for more than three years can receive placements and undergo training for a period not exceeding 52 weeks. However, if the training period exceeds 15 hours, the Province's Commission de la formation professionnelle [vocational training commission] must approve the training plan.

493. A significantly lower proportion of women than men had degrees in science and technology in 1985 and steps are being taken to make educators and adolescent women aware of this situation. In 1984, for example, introduction to industrial arts and home economics became compulsory subjects for students of both sexes.

494. The Vire-Vie [career orientation] material, designed to show adolescent women the importance of a career, was revised in 1985 and distributed to career choice teachers and guidance counsellors in April 1986. The original 1980 version was augmented with a career information package.

495. Other activities were conducted in 1985 as part of the Department of Education's action plan to interest adolescent women in scientific and technical careers. A study was carried out to determine the characteristics shared by women in non-traditional jobs who trained between 1979 and 1983 at the secondary, college or university level. The Department of Education also produced a development guide for school staff on adolescent women's involvement in non-traditional job training programs. The guide was used in development sessions for secondary school personnel held from November 1986 to May 1987.

496. Other supporting material includes the brochure À chacune son métier [to each her job], which gives biographies of women working in non-traditional sectors and lists of speakers with non-traditional jobs. The Government also published Explorons de nouveaux espaces [let's explore new spaces], a document for adolescents which provides information on future non-traditional careers and was distributed in secondary schools in February 1985. A video with the same title is available from regional branches of the Department of Education. Lastly, the Government has placed articles profiling women in non-traditional jobs in magazines read by adolescent women.

497. The program Initiation aux métiers non traditionnels [introduction to non-traditional jobs] consists of a vocational guidance and initiation session focussing on traditionally male-dominated trades and professions. The sessions, given by the school boards and CEGEPs, are designed for women who are interested in these trades and professions but have not yet decided on an area of occupational activity.

498. Five colleges in Québec are currently trying out a new program entitled Accès aux carrières technologiques [access to careers in technology], which, among other things, gives women the opportunity to become familiar with the processes and characteristics of scientific and technological thought and increases participants' awareness of the various forms of discrimination that restrict women's access to these non-traditional fields.

499. Another program currently in the experimental stage is Préalables technologiques [technological prerequisites], which was designed to increase opportunities for women to train in the latest technologies and to encourage them to persevere in their career path.

500. Finally, La puce communautaire [community chip] offers two job re-entry programs for women. The first, a pilot project, offers women's groups courses in the basic principles of electricity and electronics whereby participants become familiar with computer science. The second, a program sponsored jointly by the Governments of Canada and Québec, enables women to qualify for jobs in office automation.

501. A research is under way (involving the Department of Higher Education and Science, the Department of Education and the Secrétariat à la condition féminine) to identify the factors that prevent female students from being directed toward non-traditional job training areas. The purpose is to gain a

better understanding of the role of each identified factor so that their impact on the career selection process can be determined.

502. The development of a system of recognizing experience will also help women resume training and then re-enter the labour market. In this regard, the college system has developed a flexible tool called Le Porte-Folio. With this tool, which is gradually coming into use in all colleges, an individual can identify and describe all his or her training experience, whether scholastic or experimental, with a view to having it recognized.

ARTICLE 10(c): TO ENSURE THE ELIMINATION OF ANY STEREOTYPED CONCEPT OF THE ROLES OF MEN AND WOMEN, IN PARTICULAR BY THE REVISION OF SCHOOL MATERIAL

503. For five years, the Department of Education has been examining core teaching material and additional material for elementary and secondary schools specifically for discriminatory stereotypes. New material produced under the new programs must be free of such stereotypes and school boards must make selections from the list of approved material. In addition, in 1984-1985, the Department of Education adopted an action plan for eliminating sexual stereotypes from all printed, audio-visual and computerized educational material produced by school boards and publishing firms. Three guides will be issued in the winter of 1988. The first is intended as a tool for producers of educational material, so that the objectives of the elimination of sexual stereotypes will be taken into consideration during the initial design stage. The second is an activity guide for elementary grade 6 teachers. Designed to promote increased awareness, it should enable teachers to use sexist educational material to develop students' critical sense in sexist situations. The third is a guide to writing textbooks in which there is balanced use of the two genders.

504. In 1985-1986, training sessions were held in all the regional branches of the Department of Education for educational consultants with the school boards. The purpose of the sessions was to familiarize the consultants with the facilitation guide entitled Pareille, pas pareils [the same, not the same] so that they could in turn explain it to pre-school teachers. Pareille, pas pareils is a tool for non-sexist education of children under six.

505. Lastly, an activity guide entitled Du temps pour l'amour ... les enfants ... le travail ... les autres ... soi ... [time for love ... children ... work ... others ... oneself ...] emerged from the Colloque international sur la situation des filles [international symposium on the status of adolescent women], "Le temps d'y voir" [time to see to it], which took place on October 29, 1985. The guide was subsequently distributed to senior secondary students.

ARTICLE 10(d): TO ENSURE THE SAME OPPORTUNITIES TO BENEFIT FROM SCHOLARSHIPS AND GRANTS

506. As part of the science fairs organized by the Conseil de développement du loisir scientifique [council for the development of science in leisure], a Sciences au féminin [women in science] prize will be awarded annually by the Minister Responsible for the Status of Women, beginning in 1987. The prize will be based on a point system where more points will be given to candidates enrolled in a non-traditional discipline. Similarly, projects in the computer science and engineering categories will receive more points. The purpose of the

award is to interest adolescent women in the sciences and the types of projects they submit.

507. In 1984-1985, the loans and bursaries system was modified so that, as for the parent of a dependent student, a spouse's financial contribution for a student is not taken into account in calculating the loan portion of the financial assistance. As well, in 1985-1986 further changes were made to the loans and bursaries system to reflect the special circumstances of married students and students with dependent children.

ARTICLE 10(f): APPROPRIATE MEASURES TO REDUCE THE FEMALE STUDENT DROP-OUT RATE

508. Many social assistance recipients are women. However, the law provided that assistance terminated if an individual attended an educational institution at the college or university level. This barrier to training has been eliminated from the law for single-parent families. In 1984, the Social Aid Act, R.S.Q., c. A-16, was amended to allow heads of single-parent families taking part in a training program designated by legislation to continue receiving social assistance. The adult must be attending college or university full time, however. Eligible recipients retain their right to benefits and are paid a lump-sum allowance of $100 monthly. This measure, called Retour aux études postsecondaires [return to post-secondary education], also provides for reimbursement of child care expenses of up to $10 per day per child and reimbursement of tuition and moving expenses to a maximum of $200, as required.

509. Another measure, Rattrapage scolaire [remedial education], enables social assistance recipients under the age of 30 and heads of single-parent families to continue their secondary education if they have been out of school for more than nine months and have not completed secondary V. Recipients retain their right to social assistance benefits and receive a monthly participation allowance. The full allowance is paid to individuals with 60 hours or more per month of courses or educational activities. Other individuals receive an allowance in proportion to the number of hours of courses they have. Finally, child care expenses of $10 per day per child are reimbursed, as are registration fees and school supply costs of up to $500.

510. In addition, a recovery plan may be proposed to a social assistance recipient with a view to developing that person's qualifications for employment. The plan may include a program of work activities or a training program. These amendments were contained in the Act to amend various legislation, S.Q. 1984, c. 47).

ARTICLE 10(g): THE SAME OPPORTUNITIES TO PARTICIPATE IN SPORTS AND PHYSICAL EDUCATION

511. Promotion of general awareness is one method used by the Department of Recreation, Fish and Game to encourage women to become involved in physical activity. Awareness is promoted through posters and brochures and occasionally through theatrical presentations.

512. One of the Department's specific objectives in its 1984 policy on excellence in sports was to increase women's participation in sports. As a follow-up to this policy, one third of the members appointed to the Table d'Excellence, a round table on athletes, are women.

ARTICLE 11.1: TAKE APPROPRIATE MEASURES IN THE FIELD OF EMPLOYMENT

513. In the Public Service in Québec, amendments were made in 1985 to the eligibility requirements for all employment categories. The new requirements enable an individual to make up for lack of education with experience acquired outside the labour force provided it is relevant. Thus, time spent in caring for and educating children or other dependents will be recognized only for some groups and classes of positions in the public servant category and not for the professional and management categories. Other types of unpaid experience will be recognized for these categories. The amendment applies to both casual and regular employment and will benefit women who wish to return to the labour force after remaining at home.

514. Other measures in force in the Public Service also benefit women from the standpoint of both working conditions and career opportunities: reduced work week, regular shared-time and part-time positions, paid and unpaid education leave and, since the fall of 1986, eligibility for the Forma-cadres [management training] program for individuals over age 35 with an exceptional record.

515. To remedy the deterioration in the financial status of persons working for minimum wage, the Government of Québec raised the hourly rate from $4.00 to $4.35 on October 1, 1986. Hourly pay for workers who receive tips increased from $3.28 to $3.63 and weekly pay for domestics residing with their employer rose from $134 to $150. This measure is more beneficial to women as they constitute the majority (63.5%) of minimum wage earners.

ARTICLE 11.1(d): RIGHT TO EQUAL TREATMENT IN RESPECT OF WORK OF EQUAL VALUE

516. The requirement that an employer grant staff members equal salary for equivalent work, without discrimination, was stated in section 19 of the Charter of Human Rights and Freedoms in 1976. Paragraph 2 of the section provides that a difference in salary or wages based on "experience, seniority, years of service, merit, productivity or overtime is not considered discriminatory if such criteria are common to all members of the personnel". In addition to civil proceedings for financial compensation and/or material and punitive damages, the Charter provides for penal proceedings by stipulating in section 87a) that every person who contravenes certain sections, including section 19, is guilty of an offence. Moreover, section 89 empowers the Human Rights Commission to institute penal proceedings under the Charter.

517. These sections were recently applied in Superior Court in La corporation des aliments Ault limitée v. Senay, [1985] SC 1073. The Commission had been authorized by the Attorney General to institute proceedings against the company and claimed that the company had discriminated on the basis of sex in setting the wage rates for men and women. Duties were divided into heavy and light work, and only men had access to the better-paying heavy work. In 1984, the judge of the Court of the Sessions of the Peace found the company guilty of violating sections 87a) and 19 of the Charter and ordered it to pay a fine of $300 for each count. The company appealed the decision in 1985 in Superior Court. The Court upheld the previous verdict on the grounds that physical effort alone could not justify wage differences, which were based not on one of the exceptions to section 19 but on sex.

ARTICLE 11.1(e): RIGHT TO RETIREMENT BENEFITS

518. The Act to amend pension plans and various legislation, S.Q. 1983, c. 24, applies to female teachers employed by Catholic school boards and represented by the Centrale de l'enseignement du Québec [Québec teachers' union]. Under the Act, teachers who are dismissed or forced to resign because of maternity and who are subsequently rehired can be credited with those years or parts of a year. In addition, the Act entitles teachers who have taken maternity leave to be credited with up to 130 days in the calculation of their retirement pensions.

519. The Act to amend various legislation respecting the retirement plans of the public and parapublic sectors, S.Q. 1985, c. 18, contained similar provisions for the professional and managerial staff of other Catholic school boards and Protestant school boards as well as the staff of Protestant school boards.

ARTICLE 11.1(f): RIGHT TO PROTECTION OF HEALTH AND TO SAFETY IN WORKING CONDITIONS

520. Under the Act respecting industrial accidents and occupational diseases, which was passed in 1985, voluntary work is now recognized and a voluntary worker can therefore have protection under the Act. Two conditions must be met, however: the work of the volunteer must be done with the agreement of the person who uses his/her services, and the latter person must send a statement to that effect to the Commission de la santé et de la sécurité du travail. If a voluntary worker who meets the criteria stated in the Act suffers an industrial accident or occupational disease, he/she will have protection under the Act, with the exception of the right to return to work. Since the majority of voluntary workers are women, it can be assumed that the provisions of the Act apply especially to them.

ARTICLE 11.2(c): PROMOTE THE ESTABLISHMENT OF A NETWORK OF CHILD CARE FACILITIES

521. The Cities and Towns Act, R.S.Q., c. C-19, has been amended by the Act to amend various legislation respecting municipalities, S.Q. 1985, c. 27, to promote the development of day-care in Québec. The Act provides that any municipal corporation may acquire, construct and equip immovables in order to lease or dispose of them by onerous title for the benefit of a person offering or proposing to offer day-care. It also specifies that a municipal corporation may convey an immovable gratuitously in such a case. Similar provisions have been added to the Municipal Code of Québec, R.S.Q., c. C-27.1.

522. As at March 31, 1986, 4,589 new spaces had been created in day-care centres and home day-care facilities. As well, 2,469 new spaces in school day-care had been developed. With these additions, the total number of spaces has risen to 32,677 in day-care centres, 3,060 in family day-care and 16,793 in school day-care. (cf. Appendix 9)

523. In addition, more funding has been allocated to the program providing financial assistance to parents who use day-care, and this should promote greater accessibility of services.

524. The Minister Responsible for the Status of Women will set up a task force to develop a policy statement on day-care, on which the public will be consulted in the fall of 1987.

ARTICLE 12.2: ENSURE TO WOMEN APPROPRIATE PRE- AND POST-NATAL SERVICES

525. The movement to humanize and "demedicalize" childbirth has brought together organizations whose aim is to humanize maternity and birth. In existence since 1980, the movement is known as Naissance-Renaissance [birth-rebirth].

526. In a working paper entitled Nouvelles orientations en périnatalité [new trends in perinatal care], published in October 1984, the Department of Health and Social Services analysed the movement to humanize childbirth. As Naissance-Renaissance had done, the paper recognized the main claims of women who had received perinatal care. The Department agreed that excessive medical intervention was a reality, that pregnancy and confinement were considered a pathological rather than a normal process and that care was fragmented. The paper also proposes that midwifery be re-established as a profession. Recognition of the profession involves two areas: training and practice. In November 1985, the Department of Health and Social Services set up a task force on the practice of midwifery.

527. The task force report was released in July 1987. The report proposes future approaches to such issues as the rates of perinatal mortality and morbidity (prematurity, low birth weight, disabilities), perinatal care in disadvantaged areas, pregnancy and adolescence, and the post-natal period.

528. In the fall of 1985, with financial support from the Department of Health and Social Services, the Comité Maisons de naissance de Montréal [Montréal birthing homes committee] issued a report demanding that the first maternity centre (where women could give birth outside a hospital) be set up.

529. Lastly, in co-operation with the Department of Health and Social Services, Kino-Québec published two pamphlets to encourage pregnant women to engage in physical activity. A brochure dealing with the health of pregnant women is currently distributed in local community service centres, community health departments and physicians' offices.

ARTICLE 14.1: TAKE INTO ACCOUNT THE SIGNIFICANT ROLE OF RURAL WOMEN

530. In order to expand the role of women in the Department of Agriculture, Fisheries and Food and the agencies under its jurisdiction, the Department set up a status of women bureau in the fall of 1985. The bureau is responsible specifically for matters pertaining to women in agriculture. A three-year action plan was also developed and the necessary funding allocated to implement it. Farm women received financial, professional and technical assistance to develop a group to represent them and defend their interests.

ARTICLE 14.2(g): ENSURE THE RIGHT TO EQUAL TREATMENT IN LAND AND AGRARIAN REFORM

531. By virtue of the Act to amend the Act to promote the development of agricultural operations, S.Q. 1986, c. 54, section 23 of the Act to promote the development of agricultural operations, R.S.Q., c. M-36, which provided that a couple consisting of two legitimate or common-law spouses living together who were members of an agricultural operations group qualified only once for the amount of the grant, was amended so that each spouse can now obtain the grant, which has increased from $8,000 to $15,000. This amendment will give women easier access to ownership of agricultural operations.

ARTICLE 14.2(h): ENSURE RURAL WOMEN THE RIGHT TO ENJOY ADEQUATE LIVING CONDITIONS

532. A pilot project to provide day-care in rural areas, administered and supervised by a family day-care agency, enables rural women to have their children cared for at home. The results of the experiment are currently being evaluated.

ARTICLE 16.1: TAKE MEASURES TO ELIMINATE DISCRIMINATION AGAINST WOMEN IN MATTERS RELATING TO FAMILY RELATIONS

533. On June 27, 1985, the Department of Health and Social Services issued a policy on assistance for women who are victims of violence. The policy recognizes the important role of shelters by promoting their operations and development. The following year, the Departments of Justice and the Solicitor General issued their policy on action on domestic violence. A committee was formed in June 1986 to co-ordinate these two policies. It is composed of representatives of the Departments of Health and Social Services, Justice and the Solicitor General, the Secrétariat à la condition féminine and the Regroupement des maisons d'hébergement, a group representing shelters. In addition to following up regional meetings, this task force will co-ordinate the measures included in the two documents, particularly those pertaining to public education and treatment of aggressors.

534. At the Conférence nationale sur la sécurité économique des québécoises, the Department of Manpower and Income Security pledged to recognize the family responsibilities of female victims of violence so that they would receive the full amount of social assistance during their stay in a shelter. This commitment became a reality when Order-in-Council 2341-85 to amend the Social Aid Act and related regulations was passed on November 7, 1985.

ARTICLE 16.1(f): THE SAME RIGHTS AND RESPONSIBILITIES WITH REGARD TO TRUSTEESHIP AND ADOPTION OF CHILDREN

535. The Act respecting civil aspects of international and interprovincial child abduction, R.S.Q., c. A-23.01, was passed in 1984. It benefits women in particular as women for the most part have custody of their children. The aim of the Act is, first, to secure the return, in the area where he/she lived previously, of a child wrongfully removed from it or retained. The return is made with no attempt to settle the problem of attributing rights of custody. The Act also aims to ensure that the rights of access of the parent without legal custody are respected. In both cases, the Act applies to interprovincial as well as international abduction. In addition, the Department of Justice has the necessary administrative authority to discover the whereabouts of children, take provisional measures and negotiate an amicable resolution with the parties. Where such an agreement is not reached, the Department of Justice can initiate appropriate judicial proceedings.

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APPENDIX 1: Table on government mechanisms pertaining to the status of women in Québec.

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APPENDIX 9: Statistical tables concerning day-care in Québec.

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* The appendices are submitted separately in the French language as reference material along with abstracts of laws discussed in the report.

SASKATCHEWAN

INTRODUCTION

536. This submission will update to April 1986 the information contained in Canada's first report under the Convention.

ARTICLE 2: LEGISLATION

537. During 1985, the Government of Saskatchewan enacted three statutes directed to eliminating discrimination. 1) Pursuant to the Canadian Charter of Rights and Freedoms Consequential Amendment Act, 41 provincial statutes were amended to remove discrimination prohibited by section 15, the equality rights provision, of the Canadian Charter of Rights and Freedoms. Many of the changes related to discrimination on the basis of sex. 2) The Equality of Status of Married Persons Act clarifies the separate legal status of married persons, and removes vestiges of the characterization of the wife as the husband's property. 3) The Equality of Status of Married Persons Consequential Amendment Act enables a person to sue his or her spouse for damages arising from an automobile accident.

ARTICLE 3: POLITICAL, SOCIAL, ECONOMIC AND CULTURAL FIELDS

538. The Saskatchewan Women's Secretariat, created in January 1984, facilitates government-wide co-ordination of legislation, policies and programs related to women, and acts as a central point of contact for non-government organizations and the federal government with respect to the concerns and needs of women.

539. During 1985, a government-wide planning process was conducted to develop a plan of action for increasing opportunities for women in Saskatchewan. A consistent set of policies affecting all aspects of life (health, education, economic opportunities and public life) has been developed and is now being reviewed.

540. To set the stage for further advancement toward equality for women in Saskatchewan, the Government endorses the following principles: the need to support and encourage women to participate in economic opportunities and challenges, the need to seek ways to increase opportunities for women to choose the manner in which they participate in public life, and the need to foster a society that respects human dignity and recognizes the right to security for all persons.

ARTICLE 5

541. The Saskatchewan Government has undertaken three initiatives to address the problem of stereotyping in communications. In 1983, the Department of Labour presented a brief, entitled The Elimination of Sex Role Stereotyping in the Broadcast Media, to the Canadian Radio-Television and Telecommunications Commission. In 1985, the Government established a policy designed to ensure non-stereotyped images and broader representation of women in written, oral and visual governmental communications. The policy is outlined in a booklet entitled A Sense of Balance: Equality in Government Communications, which has been distributed to government departments. The Department of Consumer and Commercial Affairs developed a self-help education package which examines the

influence of advertising on consumer choices. The package includes a chapter on "Women in Advertising" which analyses the stereotyped images of women in advertising campaigns. The package is widely distributed throughout the province and is used in high schools, community colleges, and in courses and programs sponsored by community and professional associations. The Department has resource persons who are available for speaking engagements and workshops.

542. The Film and Video Classification Act was passed in 1985, and has been proclaimed in force. The objective of the Act is to bring video cassettes under the provincial film classification system and to place age restrictions on access to video cassettes. As a result, because parents are provided with the information they need when selecting film and video entertainment for themselves and their families, a step has been taken towards the control of pornography.

543. The Department of Tourism and Small Business organized a "Women in Business" Conference in 1985, and is planning another for 1986. The objective is to encourage entrepreneurship among women and to establish informal support networks among women entrepreneurs.

544. Pre- and post-natal classes, well-baby clinics and parenting classes are offered through health units throughout the Province. Some are specifically provided by and for Native women.

545. The Reciprocal Enforcement of Maintenance Orders Act, 1983 is directed to ensuring that an increasingly mobile population cannot escape child and spousal maintenance obligations merely by moving to another province or country. The Enforcement of Maintenance Orders Act, proclaimed in 1986, authorizes the establishment of a government office mandated to register maintenance orders and to enforce those that are registered. The office has been established and the program is in operation. Enforcement mechanisms have also been strengthened and consolidated. The objectives of the Act are to assist in stabilizing the financial support available to spouses and children, and to further public respect for the duty of both parents to contribute to their child's upbringing.

ARTICLE 7: POLITICAL AND PUBLIC LIFE

546. The Saskatchewan Advisory Council on the Status of Women advises the Government regarding measures to improve opportunities for women. To assist the Government in increasing the representation of women on government-appointed boards and commissions, the Council recently invited qualified, competent women to submit their names to be considered for future appointments to be made by Cabinet.

ARTICLE 10: EDUCATION

547. Admission to all post-secondary education programs at community colleges, technical institutes and universities is open to both men and women. Decentralization of services has improved accessibility to literacy, technical-vocational, professional and upgrading programs, basic adult education and career counselling services. Sixty percent of persons who sought career counselling through community colleges during 1984-85 were women.

548. The Department of Education has developed a Career Education Program for schools which encourages equal participation of females and males in all career and leisure pursuits.

549. All curriculum committees receive guidelines regarding the elimination of bias and sex-role stereotyping from curriculum materials.

550. The female student drop-out rate in Saskatchewan is approximately 10% lower than that of males.

551. At the elementary school level, the health program is a compulsory component of the curriculum. Elective courses in psychology, career education and family life are offered at the high school level.

552. In 1984, the Department of Health provided $150,000 in grants to four family planning agencies to counsel women regarding sexuality and reproduction. Grants are also provided to self-help groups to assist them to carry out public education regarding anorexia-nervosa, bulimia and agoraphobia. These disorders primarily affect women.

553. The Saskatchewan Alcohol and Drug Abuse Commission has developed educational programs concerning women and alcohol and other drugs, and fetal alcohol syndrome. These programs are provided to schools, community groups and women's organizations.

554. The Communications and Health Education Branch provides information to citizens regarding both healthy lifestyles and the health programs and services provided by Government. Information is available on many issues of specific interest to women, such as breast self-examination, cancer of the reproductive system, osteoporosis, child rearing, and nutrition during and after pregnancy.

ARTICLE 11: EMPLOYMENT

555. The Canadian Congress of Learning Opportunities for Women Bridging Program, established in 1985, is a federal-provincial pilot project offered through the Regina Plains Community College. The Program, designed to assist women in overcoming barriers to training and employment, provides counselling, skills training, upgrading and support for women who are seeking entry into the labour force or educational programs. In its first year of operation, 212 women participated in the Program.

556. The Employment Development Program and the Saskatchewan Skills Development Program provide employment and training opportunities, respectively, for persons receiving social assistance.

557. Regarding the Public Service, the Affirmative Action Branch, established in 1983, is mandated to develop employment systems that will provide equitable representation of women and other target groups at all occupational levels in the Public Service. The following table shows the representation of women in three designated years:

	1981	1983	1985
Women in Senior Management	3.8%	6.4%	7.0%
Women in Middle Management	9.6%	11.6%	15.0%
Women in Non-traditional jobs	-	15.6%	17.2%

558. A number of initiatives have been undertaken to address the problem of under-representation by women in executive, management and non-traditional roles in the public service. These include:

1. In 1985, the Public Service Commission, in co-operation with the Saskatchewan Government Employees Union and the Canadian Union of Public Employees, began development of a formal affirmative action program in which one of the target groups is women.

2. In October 1985, the Government sponsored a conference for women in public sector management. Based on the information itemized in the table above, the Government has prepared a plan to increase the representation of women in the senior positions of Government over the next two years.

3. The Management Training Program is designed to address the under-representation of target groups, including women, in management positions. Individual needs are assessed and career development potential identified. Special assignments, such as job rotations and secondments, are arranged for participants.

4. Women seeking job opportunities in the senior management category are referred to the Management Resourcing Branch and encouraged to place their résumé on the career inventory for use in internal recruitment, special projects and career assignments.

5. In addition, the Executive Development Program provides developmental opportunities for men and women exhibiting high potential.

6. The Administrative Development Diploma Program, co-ordinated by the Public Service Commission, provides access to university training for women in clerical positions who are interested in moving into administrative and financial positions in Government.

7. The Staff Development Branch delivers educational and development programs to government employees, both male and female. Such programs as tuition fee reimbursement for university courses are available in all departments.

559. Voluntary affirmative action programs have been implemented by four provincial Crown corporations.

ARTICLE 12: HEALTH CARE

560. The Department of Health recognizes the need to develop strategies to ensure that health services for women are appropriate. In a report prepared as part of a government-wide planning process, specific mention is made of such issues as female drug addiction, higher use of mental health services, a high rate of teenage pregnancy, and chronic diseases unique to women.

561. In addition, the Government has established an interdepartmental committee on family violence which is dealing with issues such as the provision of safe houses, public education on the legal aspects of family violence, and funds for legal assistance for victims in rural areas. A research project has been undertaken to study the response of the justice system to cases of wife abuse.

562. The Department of Health has developed a number of initiatives concerning family violence. These include: 1) hospital protocols relating to battered women; 2) workshops for professionals working with battered women and their families; 3) support groups for battered women and treatment groups for men who batter; and 4) a five-year plan for dealing with child abuse.

563. In addition, the Department of Social Services provides funding for transition houses for battered women, and sexual assault centres and family services bureaus which provide support primarily to women in need of crisis services related to personal and family violence.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

564. Though the housing programs administered by the Saskatchewan Housing Corporation are not specifically targeted toward women, in practice, because of the disadvantaged situation of female single parents and single female senior citizens, these groups, in particular, benefit from the programs.

565. Under the Family Public Housing Program, female single parents with low incomes are provided with good quality, affordable housing located close to schools, with easy access to public transportation.

566. As a group, single female senior citizens generally have low incomes and housing affordability problems. The Senior Citizens Public Housing Program ensures that a large portion of this group is able to obtain adequate housing at affordable rents. In addition, Saskatchewan has begun a program of constructing "enriched housing units" which, in conjunction with home care and other community support services, provides a viable alternative for seniors not requiring nursing home care.

ARTICLE 14: RURAL AREAS

567. With the exception of Northern Saskatchewan, no resident is further than 40.2 kilometres from a hospital and related medical services. Air ambulance services are extensively used in Northern Saskatchewan. Community health, mental health and home care services are organized on a regional basis to ensure that all provincial residents have ready access to these services.

ARTICLE 16: MARRIAGE AND FAMILY RELATIONS

568. In 1985, The Change of Name Act and The Vital Statistics Act were amended to ensure equality between men and women in the choice of name for spouses and children.

3. TERRITORIAL GOVERNMENTS

NORTHWEST TERRITORIES

ARTICLE 2(a)

569. The Government of the Northwest Territories has incorporated the principle of equality between men and women in the Fair Practices Act, R.S.N.W.T. 1974, c. F-2. The Preamble to the Act states that " ... it is public policy in the Northwest Territories that every man and woman is free and equal in dignity and rights without regard to race, creed, colour, sex, marital status, nationality, ancestry, place of origin, handicap, age, family or a conviction for which a pardon has been granted."

ARTICLE 2(b)

570. The Fair Practices Act prohibits discrimination against women in the areas of employment, accommodation, services and facilities available in any place to which the public is customarily admitted.

571. Section 7 of the Act provides that any person, who is aggrieved because of a violation of any provision of the Act, may lodge a complaint with an officer appointed to inquire into complaints. The officer shall endeavour to effect a settlement of the complaint. If the complaint is not settled, the officer sends a report to the Minister which contains the officer's recommendations. The Minister may make whatever order he/she sees fit, including an order for compensation. The person affected by the order may appeal to a Supreme Court judge to set aside or vary the order. The judge's decision is final.

572. Section 9 provides for the imposition of sanctions on any person who violates a provision of the Act. An individual is liable to a fine of $100 or in default of payment to a period of imprisonment not exceeding three months. A corporation is liable to a fine not exceeding $500.

573. In 1984, the Government issued a discussion paper proposing the adoption of a human rights code which would expand the protection presently offered under the Fair Practices Act.

ARTICLE 2(f)

574. The Government of the Northwest Territories has completed a review of its legislative provisions which could be considered violative of section 15 of the Canadian Charter of Rights and Freedoms. The Legislative Assembly passed the Statute Law (Canadian Charter of Rights and Freedoms) Amendment Act in October 1985 which included the following changes to territorial legislation:

1. The Change of Name Act, R.S.N.W.T. 1974, c. C-2, was amended to allow a married person to change his/her name upon notice to the spouse or with the consent of the spouse. Previously, a married woman could not legally change her name during the life of her husband, while a married man could change his name with the consent of his wife.

2. The Child Welfare Act, R.S.N.W.T. 1974, c. C-3, was amended to remove provisions relating to the duty of the Superintendent of Child Welfare to investigate pregnancies of unmarried women.

3. The Contributory Negligence Act, R.S.N.W.T. 1974, c. C-13, and the Married Women's Property Act, R.S.N.W.T. 1974, c. M-6, were amended to remove inter-spousal immunity in tort and contract suits.

4. The Seduction Act, R.S.N.W.T. 1974, c. S-6, which allowed a father of an unmarried woman to maintain an action for seduction, was repealed. The Judicature Act, R.S.N.W.T. 1974, c. J-1, was amended to provide that no action may be brought for seduction.

5. The Domestic Relations Act, R.S.N.W.T. 1974, c. D-9, was amended to provide that no action may be brought for damages resulting from adultery or for restitution of conjugal rights. As amended, the Act provides for the payment of alimony and maintenance to either spouse. Previously, the court had jurisdiction, under a judicial separation, to grant alimony and maintenance only to the wife.

6. Section 19.1(5) of the Judicature Act has been added (1985[3], c. 10) to express the principle that similar laws should apply equally to married men and women. The following provisions were added to remove any differences resulting from any common-law rule or doctrine:

   (a) Married men and women have legal personalities that are independent, separate and distinct from that of their spouse.

   (b) A married person has a legal capacity as if the person were unmarried.

   (c) Each of the parties to a marriage has the like right of action in tort against the other as if they were not married.

   (d) A married woman is capable of acting as a guardian ad litem as if she were unmarried.

   (e) A married woman is capable of acquiring a domicile independent from that of her husband.

7. The Vital Statistics Act, R.S.N.W.T. 1974, c. V-1, was amended to allow for the birth of a child of a married woman to be registered showing the surname of either parent or a combination of both. Previously, a child of a married woman could not be registered using her surname only. Similar provisions apply to the registration of a child of an unmarried woman.

ARTICLE 3

575. A ministerial portfolio responsible for the status of women was created in 1982.

576. In 1983, the Government of the Northwest Territories established the Advisory Council on the Status of Women pursuant to the Advisory Council on the Status of Women Act, S.N.W.T. 1983(1), c. 22. The Advisory Council consists of nine members from throughout the Northwest Territories representing the diverse occupational, educational, geographical and aboriginal character of the women of the North. The Advisory Council has the mandate to advise the Minister Responsible for the Status of Women on matters relating to the status of women that he refers to the Advisory Council for its consideration and to advise the Minister

on matters relating to the status of women that it deems appropriate (section 6).

577. By virtue of section 7, the Advisory Council may receive and hear petitions and suggestions concerning the status of women, recommend and undertake appropriate research on matters concerning the status of women, recommend and participate in programs concerning the status of women, publish reports, studies and recommendations as it deems advisable, furnish the public with information on matters concerning the status of women, recommend policies, programs and legislation to promote the status of women, submit reports to the Minister for presentation to the Legislative Assembly, and assist the Minister in developing awareness of the status of women.

578. In September 1984, a Women's Secretariat was established within the Government of the Northwest Territories. The Women's Secretariat provides administrative support to the Advisory Council and serves as the internal government mechanism for dealing with issues of concern to women.

579. The Legislative Assembly passed a Five-Year Action Plan for the Equality of Women in June 1985, committing itself to a wide variety of concrete objectives directed towards improving the status of women in the Northwest Territories. The Action Plan addresses such issues as: integrating status of women concerns into Government of the Northwest Territories plans, policies and programs; employment; education; health; women in public life; and legislation. The progress of departments in implementing the objectives outlined in the Action Plan is being monitored by the Women's Secretariat.

ARTICLE 4.1

580. The Government of the Northwest Territories is in the process of developing an affirmative action hiring policy for women (and the disabled), the objective of which is to achieve a representative Public Service. Statistics compiled by the Equal Employment Directorate indicate that while the number of women employed by the Territorial Government is on the rise, i.e., 45.7% of all employees were women in 1980 compared with 47.5% in 1986, the percentage of women in upper management positions is quite low, i.e., women comprise almost 70% of the two lowest pay categories, but only 30% of the top three pay levels.

ARTICLE 5(a)

581. The Department of Education has adopted a Philosophy of Education which emphasizes the need to avoid stereotypes in textbooks used in the school system. The Five-Year Action Plan for Women commits the Department to reviewing textbooks for sex stereotyping when texts are being reviewed for curriculum purposes (implementation scheduled for 1985-89).

582. A spousal assault task force was established in 1985 to examine the issue of spousal assault in the Northwest Territories. The task force submitted over a hundred recommendations. A Ministerial Committee was struck to respond to the recommendations and, in 1986 the Legislative Assembly adopted Choices--A Three-Year Action Plan. Implementation of the Action Plan recommendations began in the 1986-87 fiscal year. An important component of the Action Plan is funding public information programs and family life education/counselling in an attempt to redress the prevalent societal acceptance of spousal abuse in the Northwest Territories.

583. The Department of Education has developed a poster entitled "Take the Challenge and Make it Happen". This visual aid, together with a slide presentation, is targeted towards women for the purpose of enhancing women's access to technical and vocational education and training for preparation in an occupational field. The Department of Education has also purchased two films--"Make it Happen" and "Breaking Through"--for the career resource centre. Both films show women in non-traditional occupations and are available for loan throughout the region. As yet, there has been no significant change in the technical education and vocational training of girls compared to boys. The trend has been, and continues to be, low female enrollment in non-traditional skilled trades.

584. The Five-Year Action Plan for Women commits the Department of Education to providing materials to math and science teachers across the Northwest Territories on methods of encouraging girls to take an interest in these subjects. The objective is to promote the obtaining of necessary pre-requisites in math and science for careers in technological and non traditional occupations.

585. The provision of non-sexist guidance counselling at the school level is identified as a priority in the Five-Year Action Plan for Women.

ARTICLE 5(b)

586. Public information is being disseminated to the communities about family life and health planning by a Family Life Education Co-ordinator employed by the Department of Health.

ARTICLE 7(a)

587. There are no legislative barriers to women's participation in public life in the Northwest Territories.

ARTICLE 7(b)

588. There are no legislated barriers to territorial women seeking public office. The Government of the Northwest Territories is aware, however, that there may exist other barriers which prevent women from fully participating in the public process, i.e., child care availability, training, and is currently addressing these barriers through its Five-Year Action Plan for Women. In particular, the Action Plan commits the Government to amending the Financial Administration Directive on Honoraria for members of public boards to include reimbursement of women and men qualifying for honoraria for actual child care expenses incurred in order to attend board meetings.

589. As noted above, the territorial government is in the process of developing an affirmative action policy for women, directed at achieving a representative Public Service. The implementation of the policy should result in increased participation by women in the formulation of government policy.

590. The Women's Secretariat maintains a "talent bank" of women who are interested in serving on the Government of the Northwest Territories boards and agencies. In addition to making the names and qualifications of interested women available to appointing ministers, the Women's Secretariat actively lobbies for the increased appointments of women to territorial boards.

ARTICLE 7(c)

591. There are no formal barriers to women's participation in non-governmental organizations. The Government of the Northwest Territories actively supports and finances a number of non-governmental organizations.

592. Through the Women's Secretariat, the Government of the Northwest Territories assisted in the organization of an Equality Rights Conference, held in April 1986, which offered a chance for men and women to discuss and learn about section 15 of the Canadian Charter of Rights and Freedoms.

ARTICLE 10

593. A variety of life skills/personal development courses are offered to men and women in the Northwest Territories by the Native Women's Association and the Young Women's Christian Association (YWCA), partially in an attempt to alleviate low educational qualifications and job preparedness on the part of both men and women.

594. The Government of the Northwest Territories is committed to increasing the level of education offered in remote northern communities. Currently, most settlements (rural) offer formal education only up to the Grade 9 level. Students who wish to pursue their education must attend regional education centres and this may be a factor in drop-out rates among northern students. A priority item in the Five-Year Action Plan for Women is the provision of greater numbers of government co-ordinated higher education courses in northern communities. A future priority identified is the development of Adult Education Centres in major communities.

595. All formal education programs and scholarships are equally available to both men and women.

596. Another priority item in the Action Plan is the development and implementation of methods of promoting basic literacy through special community-based programs which would systematically upgrade students to qualify for basic upgrading by the Canada Employment and Immigration Commission. Literacy needs of both men and women would be addressed.

597. Rural women have fewer opportunities than urban women in the Northwest Territories. This, however, affects rural men and women equally.

ARTICLE 11

598. The Fair Practices Act prohibits discrimination on the basis of sex, family status and marital status, among other things, in the field of employment. Also the Government of the Northwest Territories planned affirmative action program for women should alleviate systemic discrimination that exists for women in the employment sector.

ARTICLE 11.1(a)

599. In 1981, according to the census data, women represented approximately 39.9% of the total labour force in the Northwest Territories. Among women in the labour force, 52.2% were then employed in the service sectors.

600. In 1984, according to the Government of the Northwest Territories Labour Force Survey, 60% of the women in the Northwest Territories participated in the labour force, contrasted with 76% of the men. That year, 49.5% of the Native female population (age 15 +) participated in the labour force as contrasted with 76% of the non-Native female population.

601. Territorial women generally have a lower unemployment rate than their male counterparts (15% in 1984 as contrasted with 17% for men according to the Government of the Northwest Territories Labour Force Survey). Native women had an unemployment rate of 25% as contrasted with 8% of non-Native women.

ARTICLE 11.1(d)

602. In its Five-Year Action Plan for Women, the Government of the Northwest Territories has committed itself to undertake research on the reclassification of governmental positions based on the principle of equal pay for work of equal value. This reclassification should redress existing systemic discrimination. Until the full implementation of a government-wide program of reclassification, the Government of the Northwest Territories (Department of Personnel) has committed itself to additional internal checks between categories of employees as to skill, effort, responsibility and working conditions required in positions to ensure equal pay for work of equal value. Particular attention is paid between categories dominated by women and those dominated by men. Research on methods of implementing the principle of equal pay for work of equal value is scheduled for 1988-89.

ARTICLE 11: 1(f) and 2(d)

603. There have been no changes in the Northwest Territories occupational health and safety legislation since 1982. However, the Government, through its collective agreement, guarantees employees the right to work in a safe and healthy environment and the right to refuse to perform unsafe or unhealthy tasks.

ARTICLE 11: 2(a) and 2(b)

604. The Northwest Territories has not enacted statutory provisions relating to maternity leave. Through the Five-Year Action Plan for Women, the Government of the Northwest Territories will be considering legislation guaranteeing women the right to maternity leave. A discussion paper on this subject was tabled in the Legislative Assembly in June 1987. Presently, the only maternity leave benefits that exist are derived pursuant to contractual arrangements between employees and employers.

ARTICLE 11.2(c)

605. In the Five-Year Action Plan for Women, the Government of the Northwest Territories commits itself to developing a policy and funding proposal on child care in the Northwest Territories which will address the need for day-care in each community and the role of the Government of the Northwest Territories in meeting this need through the provision of facilities, operating subsidies, qualified workers and the development of child care standards. The Government of the Northwest Territories has also committed itself to develop a child care workers program through Thebaca College for field delivery. The policies, it is hoped, will address the urgent need for accessible, quality child care in the Northwest Territories for working parents (particularly women).

606. The Government of the Northwest Territories has assisted in the development of child care facilities across the Northwest Territories through the provision of buildings at a nominal cost to child care operators.

607. The Government of the Northwest Territories is a participant in the Canada Assistance Plan program. Under this program, the Government of the Northwest Territories offers day-care subsidies to northern residents. The subsidy has been under-utilized in the past, with only 44 families participating in the program in 1985. However, public awareness of the existence of this subsidy has been raised through the work of day-care activist groups and through the publicity generated by the Parliamentary Special Committee on Child Care.

ARTICLE 12.1

608. The Department of Health hired a Family Life Co-ordinator in 1980 to initiate and foster professional and public education programs regarding sexuality, teen pregnancy, sexually transmitted diseases and family violence.

609. A school health curriculum is currently being developed which will provide a forum for sexuality and birth control instruction from an early age as preventative education. Parents will have the option of choosing whether or not their children attend these classes.

ARTICLE 12.2

610. Within the framework of the Five-Year Federal-Provincial Plan on Nutrition in Health Promotion for Pregnant Women, developed in June 1983, an action was initiated in 1984 to develop nutrition guidelines specific to the Northwest Territories, including: identifying and priorizing the major nutrition-related diseases and conditions in the Northwest Territories; identifying high-risk groups; identifying food habits and practices of the Northwest Territories' population; assessing current education programs; and assessing cultural perceptions of nutrition.

611. There have been numerous problems identified to date. These include the consumption of excessive amounts of non-nutritional foodstuffs, poor dental hygiene, various health complications associated with obesity, poor budgetary management and consumer awareness, and inadequate nutrition among pregnant women, infants, children and the elderly.

612. There are various other studies being undertaken at the current time. These include a dental health survey in the Baffin Region, a survey into health conditions in the Keewatin area, and research into alcoholism in the Baffin area.

ARTICLE 13(a)

613. Family benefits programs offered by the Department of Social Services do not discriminate on the basis of sex.

ARTICLE 13(b)

614. Note the above amendment to the Judicature Act that married men and women have independent, separate and distinct legal personalities.

ARTICLE 13(c)

615. Women in the Northwest Territories have equal access to all recreational activities sponsored by the Department of Municipal and Community Affairs.

ARTICLE 14

616. Women living in remote areas enjoy the same rights and quality of life as do men living in the same areas. Improving the quality of life for all people living in these areas is a priority of the Government of the Northwest Territories (due to the fact that the majority of the population resides in non-urban areas). Some specific initiatives taken since 1982 include:

- the establishment of a talent bank of women interested in serving on territorial boards, which has resulted in greater awareness at the political level of the need to appoint women (both urban and rural) to boards where they will have the opportunity to participate in future developments and planning for the North;

- the development of distance education programs (through video tapes, teleconferencing, etc.) by the Department of Education in an effort to promote training and education of men and women at the community level;

- the incorporation of ongoing work occurring in the field of functional literacy as a priority within the Five-Year Action Plan for Women;

- the establishment of a number of co-operatives in the Northwest Territories which are involved in the marketing of arts and crafts at the community level. The marketing of these arts and crafts has become increasingly important to the future of the territorial economy, and rural women play the greatest role in this area. In addition to the co-ops, the Native Women's Association (a non-governmental organization) has become active in providing a retail outlet for arts and crafts and in providing training for women; and

- the establishment by the Legislative Assembly of a Special Committee on Housing in 1984. The Special Committee travelled throughout the Northwest Territories, hearing submissions from community groups. Many of its recommendations focused on the need to improve the quality of housing available to residents in remote communities. As a direct result of the Committee's recommendations, 200 new housing units were built in the Northwest Territories in 1986.

ARTICLE 15.2

617. The Judicature Act, as amended, provides that married men and women have independent legal personalities (unmarried women have equal legal rights with men). This amendment eliminates the common-law doctrine of the unity of spouses.

618. Section 3 of the Married Women's Property Act, R.S.N.W.T. 1974, c. M-6, provides that a married woman can contract and be liable with respect to all torts in all respects, as if she were unmarried. Section 7(1) provides that a married woman has in her own name, against all persons including her husband, the same remedies for the protection and security of her property as if she were unmarried.

ARTICLE 15.3

619. Although existing law does not specifically provide for voiding private instruments aimed at restricting the legal capacity of women, if contested in the courts, such instruments might be held void on grounds of public policy or found in violation of human rights legislation.

ARTICLE 15.4

620. The Judicature Act, as amended, provides that a married woman may acquire a domicile independent from that of her husband. Women in the Northwest Territories have always had the same rights as men regarding mobility and the freedom to choose their own residence.

ARTICLE 16.1(a)

621. The age for contracting to marry is 19 without parental consent and 15 with consent. The prohibition to issue a licence to marry underage parties is suspended for female contracting parties where a certificate of pregnancy is presented.

ARTICLE 16.1(b)

622. Free consent to marry is an essential element to a valid marriage in the Northwest Territories.

ARTICLE 16.1(d)

623. Parents in the Northwest Territories have equal rights and obligations in matters affecting their children, with one exception: section 28 of the Domestic Relations Act provides that the mother of an illegitimate infant is the sole guardian of the infant. This provision is currently under review by the Department of Justice as possibly being violative of section 15 of the Canadian Charter of Rights and Freedoms.

ARTICLE 16.1(f)

624. Power to adopt is granted equally to both men and women. Section 84(1) of the Child Welfare Act stipulates that the consent of the guardian of a child is needed when placing a child for adoption. As the mother of an illegitimate child is the child's sole guardian, only the mother's consent is necessary in such cases.

ARTICLE 16.1(g)

625. Under the Change of Name Act, married women may now legally change their name either with the consent of their husband or after having given notice to their husband. The same requirements apply to men.

626. There are no legislative barriers to choosing a profession and an occupation. However, there may be societal barriers, i.e., availability of child care facilities, lack of training, lack of experience. The Government of the Northwest Territories is committed to redressing these barriers through its Five-Year Action Plan for Women.

ARTICLE 16.1(h)

627. The judicial regime for the division of matrimonial property upon divorce is one of judicial discretion, i.e., there are no guiding presumptions of an equal sharing of property as there are in provincial matrimonial property laws. This is currently under review by the Department of Justice.

628. The Married Women's Property Act provides that a married woman may hold property in her own name during marriage.

ARTICLE 16.2

629. Registration of marriages in the Northwest Territories is compulsory.

YUKON

INTRODUCTION

630. This report covers the period from December 1982 to May 31, 1986, and provides an update of legislation, programs and policies enacted or launched during that period.

ARTICLE 2(b)

631. On January 1, 1985, with the proclamation of the Employment Standards Act, the following improved equal pay provision came into effect. The Act states in Part 7, section 43(1): No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, employed by him for similar work performed in the same establishment under similar working conditions and the performance of which requires similar skill, effort, and responsibility, except where each payment is made pursuant to: a seniority system; a merit system; a system that measures earnings by quality or quantity of production; or a differential based on any factor other than sex".

632. At the same time, provision was made for maternity leave which entitles a pregnant employee, who has completed 12 months of continuous employment with her employer, to 17 weeks' leave without pay. The service of an employee absent on maternity leave in accordance with the Act shall be considered continuous for the purpose of the Act. An employee who resumes employment on the expiration of this leave shall be reinstated in all respects in the position occupied by her on the date her leave commenced or in a comparable position. Furthermore, an employer shall not terminate, or change a condition of employment of an employee without her written consent because of an absence authorized pursuant to the maternity leave provision or because of the employee's pregnancy, unless the employee has been absent for a period exceeding that permitted by the Act for maternity leave.

ARTICLE 2(e)

633. The Fair Practices Act* prohibits discrimination in employment on the basis of sex and has been in effect since 1963. Since February 1982, there have been five complaints of sex discrimination. One of the complaints was deemed unfounded by the investigating officer, three were withdrawn by the complainant, and one was settled during the investigation stage.

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* In February 1987, the Yukon Legislature passed the Human Rights Act, Bill No. 99, which repealed and replaced the Fair Practices Act and expanded the protection previously afforded against discrimination. In addition to discrimination on the basis of sex, among other things, the new Act prohibits discrimination on the basis of pregnancy and pregnancy-related conditions as well as on the basis of marital or family status. It also prohibits harassment including sexual harassment. The Act recognizes special programs and affirmative action programs designed to prevent or reduce disadvantages suffered by a group identified by reference to a prohibited ground of discrimination. It prohibits the establishment or maintenance of a difference in wages between employees who are performing work of

ARTICLE 2(f)

634. The Canadian Charter of Rights and Freedoms Consequential Amendments Act, 1985 was assented to on October 28, 1985. Section 2 of the Act amends the Change of Name Act to provide equal treatment of married persons with respect to change of name on marriage and to the equal right of married women to apply for a change of name for themselves and for their children under the terms of the Act (a new Change of Name Act is proposed to be passed in the fall of 1987). The main amendment for the purposes of discrimination against women is set out in section 7 of the Consequential Amendment Act. Section 7 amends the Interpretation Act to provide female and male persons equality of status and obligations under enactments unless the enactment expressly excludes the operation of this section.

635. At the present time, all Yukon Territory Statutes are in the process of being made gender neutral with respect to language, although an exact timetable for completion has not been established.

ARTICLE 3

636. On September 12, 1985, by way of Cabinet Minute #85-114, the Women's Directorate was established as a free-standing, central agency within Government, reporting directly to the Minister Responsible for the Status of Women. The key objective of the Women's Directorate is to integrate women's issues into the mainstream of government policy making and program development by: identifying women's issues and priorities; analysing and evaluating existing and proposed legislation, policies, and programs for their impact on women; developing and co-ordinating policy and program initiatives benefitting women; and informing the public about women's issues. The Women's Directorate personnel consists of a director, a policy analyst, and a clerical support person.

637. On April 23, 1985, Cabinet issued a directive requiring each Minister and Deputy Minister to assume responsibility and accountability for integrating women's concerns into their respective portfolios or departments.

638. The Deputy Minister of the Executive Council Office is directed to review all Cabinet and Management Board Submissions for their impact on women and to refer relevant submissions to the Women's Directorate.

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equal value, if the difference is based on any of the prohibited grounds of discrimination. This applies only to the Government of Yukon and municipalities and their corporations, boards, and commissions. The Act supersedes every other Act of Yukon unless it is expressly declared by the other Act that it shall supersede it. The Human Rights Act came into force on July 1, 1987, with the exception of the provisions dealing with equal pay for employees of municipalities and their corporations, boards and commissions which will come into force on December 10, 1987. It is administered by the Yukon Human Rights Commission whose members are appointed by the Legislature and which is accountable to the Legislature. The functions of the Commission include the processing of complaints of violations of the Act and the conducting of education and research on the principle of equal pay for work of equal value in the private sector. The Act provides for the adjudication of complaints and for penalties for violations of its provisions.

639. The Women's Directorate is included as a member of the Deputy Ministers Review Committee, the Policy Review Committee, and the Departmental Administrators Liaison Committee. Cabinet also established a Cabinet Subcommittee on Women's Issues, chaired by the Minister Responsible for the Status of Women to develop a government-wide plan of action.

ARTICLE 4.1

640. The Government of Yukon has established a Positive Employment Program to facilitate access by women, Native people, and disabled persons into the Public Service and to increase their representation throughout occupations and management levels. A Director of Positive Employment is being recruited and funds have been allocated to the Public Service Commission to initiate programs that will facilitate the entry into the Public Service of those groups that are currently under-represented in that service.

ARTICLE 5(a)

641. The Women's Directorate publishes information in the form of articles, pamphlets and booklets on issues of concern to women. The Directorate sponsors and participates in workshops, seminars, and public meetings to change discriminatory attitudes toward women in society. The Directorate is co-sponsoring with the Yukon Public Legal Education Association the development of a component within the senior high school Law 11 course entitled Women and Equality.

642. In recognition of its employee's right to work in a positive and productive work environment as free as possible from unwanted sexual attention, the Government of Yukon issued a Policy Directive 1/47 effective February 23, 1984. The policy defines unwanted sexual attention as: " ... unwelcome sexually oriented conduct--physical or verbal--which has the purpose or effect of interfering with an employee's work performance or advancement or which creates an intimidating, threatening, hostile or offensive work environment".

ARTICLE 5(b)

643. The Yukon Government established a Family Life Services Program in 1982 to work with individuals, groups, and agencies to provide education for teenagers, young children, their parents, and educators in areas of family life education (sexuality and relationships). The objectives of the program are: to reduce the pregnancy and abortion rates among Yukon children (those under 19 years of age) through public education and community development activities; to develop and deliver instructional programs deemed necessary and appropriate by representatives of groups, agencies, and school committees; to assist teaching, health, and social services professionals, parents, volunteers, and the general public to acquire knowledge and skills in the area of human sexuality and relationships; and to determine the needs for, and appropriate content of, family life education through research and by consultation with agencies and the public.

ARTICLE 7(b)

644. Of the 16 seats in the Legislature, three are held by women. Of the five cabinet ministers, one is a woman who holds the Health and Human Resources and Status of Women portfolios. Of the 11 deputy ministers, one is a woman. One of the three judges of the Territorial Court is a woman.

645. The Government of Yukon has a publicly stated policy of equal opportunity. It has a policy of affirmative action through its Positive Employment Program.

646. The Women's Directorate has established a "talent bank" of Yukon women to assist the Territorial Government in meeting its objective of equitable representation of women on all boards, councils, and committees appointed by the Government. A roster of women willing to serve on these public bodies has been solicited from all Yukon communities, and will be updated regularly and made available to Cabinet for consideration when appointments are made.

ARTICLE 10(e)

647. The Advanced Education and Manpower Branch of the Department of Education is responsible for programs focused on the development of Yukon's human resources. These programs include institutional training through Yukon College, Industrial Training Programs and Apprenticeship Programs. All students have equal access to these programs. However, the Government of Yukon recognizes that women face particular barriers to entry into many of these programs. Many rural residents are unable to relocate to the main campus of Yukon College in Whitehorse. This is especially true for women who have family responsibilities and are thereby limited by their ability to relocate for training.

648. In an effort to meet the needs of rural female and male students, Community Learning Centres have been established in most Yukon communities. These centres provide academic and skill upgrading, as well as training programs of relevance to individual communities. These centres have advisory committees to provide input and advice on programming and delivery approaches.

649. In September 1985, Yukon College introduced a literacy program for adults below the Grade 5 level. A Yukon training allowance for this program is available to trainees who require financial assistance. As with all institutional training, this program is available to both women and men.

ARTICLE 10(h)

650. The Family Life Services Program (see article 5(b)) employs a Family Living Co-ordinator who has been invited by parent-school committees to visit every Yukon public school to provide information on family living, including sexuality and family planning information. The Co-ordinator also provides resources and information to school guidance counsellors, classroom teachers, public health workers, and persons responsible for programs for special needs children. The Co-ordinator travels to communities throughout the Yukon to deliver this service.

ARTICLE 11

651. In addition to the information given below, see the information provided under articles 2, 3 and 4.1.

ARTICLE 11.1(d)

652. The Government of Yukon implemented a universal job evaluation system for all non-academic positions held by its employees. At the same time, a new pay

plan was installed which provided for equal pay for work of equal value. The old classification system had been in place for approximately 16 years and no longer fulfilled its purpose. The system had very narrow classifications, discouraging training positions and career pathing.

653. Planning for the new system started in 1983; the project was under way by September 1984 and the date of implementation was January 1, 1986. Some 260 classes were reduced to 10 occupational families based on the following four factors: knowledge and skills, mental demands, accountability and work conditions. The system provides for career opportunities for employees, enhanced job access for local residents, greater recognition of skill level, and facilitates movements from one group to another through the provision of a common plan for bargaining unit and managerial positions.

654. As a result of the new pay plan, jobs primarily occupied by women are paid the same as jobs predominantly occupied by men, as long as the jobs are of the same value.

ARTICLE 11.2(c)

655. The Day Care Subsidy Program came into effect July 1, 1981. Parents who are gainfully employed, attending an educational institution, undertaking medical treatment, or involved in rehabilitation programs, are eligible for subsidy for children in day-care centres or family day homes licensed by the Yukon Day Care Services Board provided family income falls below established limits based on family size and geographical area. In 1985, the subsidy rates were reviewed and increased to more accurately compensate for actual child care costs. In addition, parents may now choose to have the subsidy paid directly to the child care centre.

656. New regulations, effective February 1986, have considerably enhanced the quality of day-care available in the Yukon. These changes to the regulations include an increase in staff ratios that will not only provide a better level of care, but will also increase the number of day-care jobs in the Territory. The regulations also require all day-care workers to have first aid training and the Government provides funds to all presently employed workers to cover training costs.

657. In May 1986, the Yukon Government announced a program of direct grants to all licensed Yukon day-care centres. These grants are intended to encourage the establishment of day-care centres throughout the Yukon and to support the operation and maintenance of this service.

658. In 1984, the Department of Education, through Yukon College, initiated an Early Childhood Education Program on a part-time basis for persons working in child care centres or interested in training in this field. At present there are only four workers employed in child care who are trained in early childhood education.

659. The Yukon Government has provided increased funding to Yukon Women's Transition Home for a child care worker and an advocacy worker. These two positions will assist women leaving a battering relationship to access the community support services available to them.

ARTICLE 11.2(d)

660. In November 1984, the Government of Yukon issued a Video Display Terminals and Units policy directive in recognition of possible negative effects resulting from regular operation of a Video Display Terminal (VDT) or Video Display Unit (VDU). The policy states that all VDT and VDU operators shall undergo initial optometric examinations and annual examinations thereafter. Pregnant employees may be exempted from working with VDTs or VDUs. Departments shall make every attempt to find alternate employment for pregnant employees, if requested. Upon completion of the pregnancy and/or maternity leave, the employee returns to her former position.

ARTICLE 16.1

661. The Maintenance and Custody Orders Enforcement Act, which was proclaimed in May 1986, establishes a clear legal basis for the Government of Yukon to automatically enforce maintenance orders and custody orders on behalf of the beneficiaries of those orders. It provides a mechanism for the director to enforce the orders. Women and mothers on behalf of their children are the major recipients of maintenance payments. This Act is intended to change the present situation where a significant percentage of maintenance orders are in default.

ARTICLE 16.1(g)

662. The new Vital Statistics Act was proclaimed in May 1986. Under the provisions of this Act, the birth of a child shall be registered showing as the surname of the child, the surname of the mother, the surname of the person shown on the registration as the father or a hyphenated surname composed of the surname of the mother and the father.

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*/ These documents are available in English at the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna and can be consulted in the offices of the Branch for the Advancement of Women.